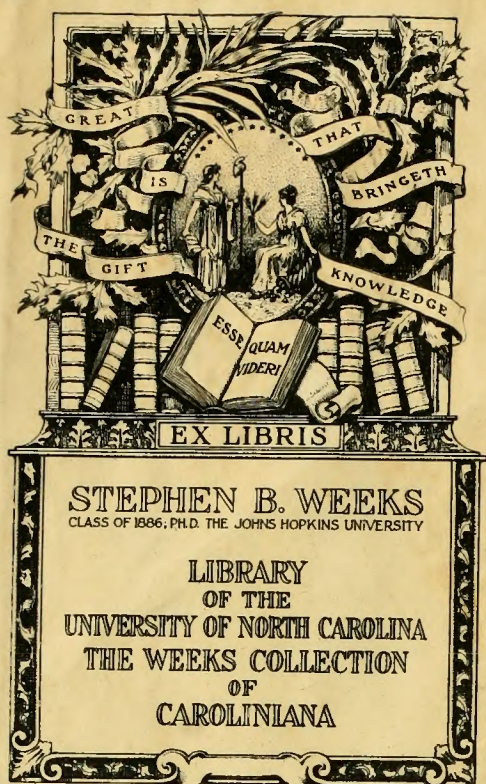


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COLLECTION

OF

LEGISLATIVE

ACTS OF ASSEMBLY

OF

THE PROVINCE OF

NORTH-CAROLINA

Now in FORCE and USE

Printed at the TITLE of the LAYERS of the

of the

By the General Assembly of the Province of North-Carolina, in the Year 1776, and continued to the Year 1791, and to the present Time.



COLLECTION

OF

All the PUBLIC

ACTS OF ASSEMBLY,

OF

The PROVINCE of

NORTH-CAROLINA:

Now in FORCE and USE.

Together with the TITLES of all such LAWS as are Obsolete, Expir'd, or Repeal'd.

And also, an exact TABLE of the Titles of the ACTS in Force.

REVISED by Commissioners appointed by an Act of the GENERAL ASSEMBLY of the said Province, for that Purpose; and Examined with the Records, and Confirmed in full Assembly.



NEWBERN: Printed by JAMES DAVIS, M,DCC,LI.

COLLECTION

OF

All the PUBLIC

ACTS OF ASSEMBLY

OF

The PROVINCE of

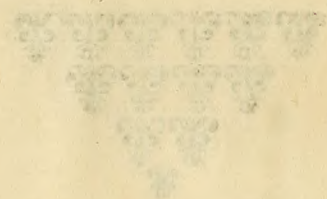
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Records, and compared in full Assembly.



NEW-BERRY, Printed by James Davis, M.DCC.LII.

T O H I S E X C E L L E N C Y

G A B R I E L J O H N S T O N, Esq;

Captain-General, Governor and Commander in
Chief, in and over His Majesty's Province of *North-Carolina*,
and Vice-Admiral of the same.

May it please Your Excellency,

C O L. *Moseley*, the other Commissioner concerned with me,
in the Collecting, Compiling, Revising, and Printing the
L A W S in Force in this Province, being dead, I alone
beg Leave to Dedicate Them to Your Excellency, as their Patron
and Protector; under whose wise and prudent Administration, the
greatest Part of the best of them have been formed.

F R O M the known Benevolence of your Disposition, I am sa-
tisfied, it must give You great Pleasure, Sir, That this W O R K,
so repeatedly recommended to the General Assembly of this Pro-
vince, and so long and earnestly desir'd by You; hath been car-
ried on by Your favourable Influence, and finished during Your
Government.

A L T H O' the Substance of each Law, and Clause of every
Law, in Force, is strictly preserved; yet, I am sensible, they fall
greatly short of that Correctness in Stile and Diction, which may
be expected in a Work of this Nature; and, in those Points, will
not stand an Examination, especially of so discerning a Judge as
Your Excellency: But as You are well acquainted with the many
Difficulties which attended us, in the performing this Service for the
Publick, I hope our Defects will by You be favourably considered.

I am Your Excellency's

Most Dutiful and Obedient

Humble Servant,

S A M U E L S W A N N.

TO THE EXCELLENCY

CABRIEL JOHNSTON W. Esq.

Captain-General, Governor and Commander in
Chief, in and over His Majesty's Province of North-Carolina,
and Vice-Admiral of the same.

May it please Your Excellency,

I O I. Sir, the other Commissioner concerned with me
in the Collecting, Compiling, Revising, and Printing the
Laws in Force in this Province, being dead, I alone
beg leave to dedicate them to Your Excellency, as their Patron
and Protector; under whose wife and prudent Administration, the
greatest Part of the bulk of them have been formed.

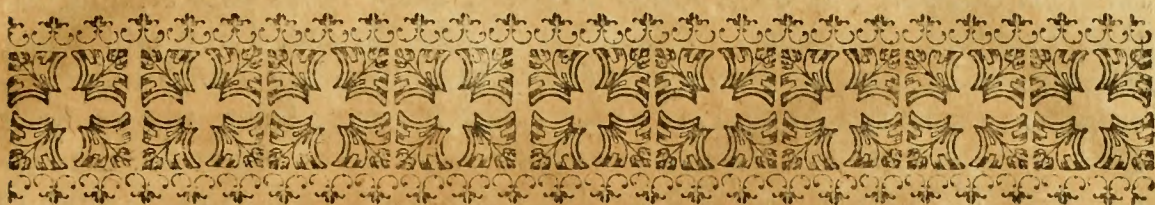
I R O M the known Benevolence of your Disposition, I am as-
sured, it will be with Pleasure accepted by this W O R K,
to repeatedly recommend the Assembly of this Pro-
vince, and to long for the Day, when they may have been car-
ried on by your Excellency, and printed during your
Government.

A L T H O' the Substance of each Law, and Clause of every
Law in Force, is fully preserved; yet, I am sensible, they fall
greatly short of that Collection in Style and Digestion, which may
be expected in a Work of this Nature; and, in those Points, will
not stand an Examination, especially of so discerning a Judge as
Your Excellency: But as You are well acquainted with the many
Difficulties which attended us in the performing this Service for the
Publick, I hope our Exacts will by You be favourably considered.
I am Your Excellency's

Most Dutiful and Obedient

Humble Servant,

SAMUEL SWANN.



THE SECOND
CHARTER,
Granted by King CHARLES, II.
TO THE
Proprietors of CAROLINA.

CHARLES the Second, by the Grace of God, of *Great-Britain, France, and Ireland*, King, Defender of the Faith, &c. WHEREAS, by our Letters Patents, bearing Date the Twenty Fourth Day of *March*, in the Fifteenth Year of our Reign, We were graciously pleased to grant unto our right trusty and right well-beloved Cousin and Counsellor *Edward* Earl of *Clarendon*, our High Chancellor of *England*, our right trusty and entirely beloved Cousin and Counsellor *George* Duke of *Albemarle*, Master of our Horse; our right trusty and well-beloved *William* now Earl of *Craven*; our right trusty and well-beloved Counsellor *John* Lord *Berkeley*; our right trusty and well-beloved Counsellor *Anthony* Lord *Ashley*, Chancellor of our Exchequer; our right trusty and well-beloved Counsellor Sir *George* *Carteret*, Knight and Baronet, Vice-Chancellor of our Household; our right trusty and well-beloved Sir *John* *Colleton*, Knight and Baronet; and Sir *William* *Berkeley*, Knight; all that Province, Territory, or Tract of Ground, called *Carolina*, situate, lying and being within our Dominions of *America*; extending from the *North* End of the Island called *Luke-Island*, which lyeth in the *Southern Virginia* Seas, and within Thirty Six Degrees of *North* Latitude; and to the *West*, as far as the *South-Seas*; and so respectively as far as the River of *Matthias*, which bordereth upon the Coast of *Florida*, and within Thirty One Degrees of *Northern* Latitude; and so *West*, in a direct Line, as far as the *South-Seas* aforesaid.

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NOW Know ye, That We, at the humble Request of the said Grantees, in the aforesaid Letters Patents named, and as a further Mark of our especial Favour to them, we are graciously pleased to enlarge our said Grant unto them, according to the Bounds and Limits hereafter specified, and in Favour to the pious and noble Purpose of the the said *Edward* Earl of *Clarendon*, *George* Duke of *Albemarle*, *William* Earl of *Craven*,

*Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley; their Heirs and Assigns, all that Province, Territory, or Tract of Land, situate, lying and being within our Dominions of America aforesaid; extending North and Eastward, as far as the North End of Currituck River or Inlet, upon a strait Westerly Line to Wyonoak Creek, which lies within or about the the Degrees of Thirty Six, and Thirty Minutes, Northern Latitude; and so West, in a direct Line, as far as the South-Seas; and South and Westward, as far as the Degrees of Twenty Nine, inclusive, of Northern Latitude; and so West, in a direct Line, as far as the South-Seas; together with all and singular the Ports, Harbours, Bays, Rivers, and Inlets, belonging unto the Province or Territory aforesaid: And also, all the Soils, Lands, Fields, Woods, Mountains, Firms, Lakes, Rivers, Bays, and Islets, situate or being within the Bounds or Limits last before mentioned; with the Fishings of all Sorts of Fish, Whales, Sturgeons, and all other Royal Fish, in the Sea, Bays, Islets, and Rivers, within the Premises, and the Fish therein taken, together with the Royalty of the Sea upon the Coast within the Limits aforesaid; and moreover all Veins, Mines, and Quarries, as well discovered as not discovered, of Gold, Silver, Gems, and precious Stones, Metal, or any other Thing, found, or to be found, within the Province, Territory, Islets, and Limits aforesaid: And further more, the Patronage and Advowsons of all the Churches and Chapels, which, as Christian Religion shall increase within the Province, Territory, Isles, and Limits aforesaid, shall happen hereafter to be erected; together with License and Power to build and found Churches, Chapels, and Oratories, in convenient and fit Places, within the said Bounds and Limits; and to cause them to be dedicated and consecrated, according to the Ecclesiastical Laws of our Kingdom of England; together with all and singular the like and as ample Rights, Jurisdictions, Privileges, Prerogatives, Royalties, Liberties, Immunities, and Franchises, of what Kind soever, within the Territory, Isles, Islets, and Limits aforesaid: To have, hold, use, exercise, and enjoy the same, as amply, fully, and in as ample Manner, as any Bishop of *Durham*, in our Kingdom of *England*, ever heretofore, had, held, used, or enjoyed, or of Right ought or could have, use, or enjoy: And them the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Assigns, we do, by these Presents, for us, our Heirs and Successors, make, create, and constitute, the true and absolute Lords and Proprietors of the said Province or Territory, and of all other the Premises; saving always the Faith, Allegiance, and sovereign Dominion, due to us, our Heirs and Successors, for the same: To hold, possess, and enjoy the said Province, Territory, Islets, and all and singular other the Premises, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, their Heirs and Assigns for ever; to be holden of us, our Heirs and Successors, as of our Manor of East-Greenwich, in Kent, in free and common Soccage, and not in Capite, or by Knight's Service: Yielding and paying, Yearly,**

ly, to us, our Heirs and Successors, for the same, the Fourth Part of all Gold and Silver Oar, which, within the Limits hereby granted, shall, from Time to Time, happen to be found, over and besides the Yearly Rent of Twenty Marks, and the Fourth Part of the Gold and Silver Oar, in and by the said written Letters Patent reserved and payable.

A N D that the Province or Territory hereby granted and described, may be dignified with as large Tythes and Privileges, as any other Parts of our Dominions and Territories in that Region; Know ye, That we, of our further Grace, certain Knowledge, and mere Motion, have thought fit to annex the same Tract of Ground or Territory unto the same Province of *Carolina*; and out of the Fullness of our Royal Power and Prerogative, we do, for us, our Heirs and Successors, annex and unite the same to the said Province of *Carolina*.

A N D forasmuch as we have made and ordained the aforesaid *Edward* Earl of *Clarendon*, *George* Duke of *Albemarle*, *William* Earl of *Craven*, *John* Lord *Berkeley*, *Anthony* Lord *Ashley*, *Sir George* *Carteret*, *Sir John* *Colleton*, and *Sir William* *Berkeley*, their Heirs and Assigns, the true Lords and Proprietors of all the Province or Territory aforesaid; Know ye therefore moreover, That we, reposing especial Trust and Confidence in their Fidelity, Wisdom, Justice, and provident Circumspection, for us, our Heirs and Successors, do grant full and absolute Power, by Virtue of these Presents, to them the said *Edward* Earl of *Clarendon*, *George* Duke of *Albemarle*, *William* Earl of *Craven*, *John* Lord *Berkeley*, *Anthony* Lord *Ashley*, *Sir George* *Carteret*, *Sir John* *Colleton*, and *Sir William* *Berkeley*, their Heirs and Assigns, for the good and happy Government of the said whole Province or Territory, full Power and Authority, to erect, constitute, and make several Counties, Baronies, and Colonies, of and within the said Provinces, Territories, Lands, and Hereditaments, in and by the said Letters Patents, granted, or mentioned to be granted, as aforesaid, with several and distinct Jurisdictions, Powers, Liberties, and Privileges: And also, to ordain, make, and enact, and, under their Seals, to publish any Laws and Constitutions whatsoever; either appertaining to the Public State of the whole Province or Territory, or of any distinct or particular County, Baronny, or Colony, or of or within the same; or to the private Utility of particular Persons, according to their best Directions, by and with the Advice, Assent, and Approbation, of the Freemen of the said Province or Territory, or of the Freemen of the County, Baronny, or Colony, for which such Law or Constitution shall be made; or the greater Part of them, or of their Delegates or Deputies, whom, for enacting of the said Laws, when, and as often as Need shall require, We will, that the said *Edward* Earl of *Clarendon*, *George* Duke of *Albemarle*, *William* Earl of *Craven*, *John* Lord *Berkeley*, *Anthony* Lord *Ashley*, *Sir George* *Carteret*, *Sir John* *Colleton*, and *Sir William* *Berkeley*, and their Heirs or Assigns, shall, from Time to Time, assemble; in such Manner and Form as to them shall seem best; and the same Laws duly to execute, upon all People within the said Province or Territory, County, Baronny, or Colony, or the Limits thereof, for the Time being, which shall be constituted;

tuted, under the Power, and Government of them or any of them, either failing towards the said Province, or Territory of *Carolina*, or returning from thence towards *England*, or any other of our, or Foreign Dominions, by Imposition of Penalties, Imprisonment, or any other Punishment; yea, if it shall be needful, and the Quality of the Offence require it, by taking away Member and Life, either by them the said *Edward Earl of Clarendon*, *George Duke of Albemarle*, *William Earl of Craven*, *John Lord Berkeley*, *Anthony Lord Ashley*, *Sir George Carteret*, *Sir John Colleton*, and *Sir William Berkeley*, and their Heirs, or by them, or their Deputies, Lieutenants, Judges, Justices, Magistrates, or Officers, whatsoever, as well within the said Province, as at Sea, in such Manner and Form as unto the said *Edward Earl of Clarendon*, *George Duke of Albemarle*, *William Earl of Craven*, *John Lord Berkeley*, *Anthony Lord Ashley*, *Sir George Carteret*, *Sir John Colleton*, and *Sir William Berkeley*, and their Heirs, shall seem most convenient: And also, to remit, release, pardon, and abolish, whether before Judgment or after, all Crimes and Offences whatsoever, against the said Laws; and to do all and every Thing and Things, which, unto the compleat Establishment of Justice, unto Courts, Sessions, and Forms of Judicature, and Manners of proceeding therein, do belong, altho' in these Presents, express Mention is not made thereof; and by Judges to him or them delegated, to award Process, hold Pleas, and determine, in all the said Courts and Places of Judicature, all Actions, Suits, and Causes, whatsoever, as well Criminal as Civil, real, mixt; personal, or of any other Kind or Nature whatsoever: Which Laws so as aforesaid to be published, our Pleasure is, and we do enjoin, require, and command, shall be absolutely firm and available in Law; and that all the leige People of us, our Heirs and Successors, within the said Province or Territory, do observe and keep the same inviolably in those Parts, so far as they concern them, under the Pains and Penalties therein expressed, or to be expressed: *Provided nevertheless*, That the said Laws be consonant to Reason, and as near as may be conveniently, agreeable to the Laws and Customs of this our Realm of *England*.

AND because such Assemblies of Freeholders cannot be so suddenly called as there may be Occasion to require the same, we do therefore, by these Presents, give and grant unto the said *Edward Earl of Clarendon*, *George Duke of Albemarle*, *William Earl of Craven*, *John Lord Berkeley*, *Anthony Lord Ashley*, *Sir George Carteret*, *Sir John Colleton*, and *Sir William Berkeley*, their Heirs and Assigns, by themselves, or their Magistrates, in that behalf lawfully authorized, full Power and Authority, from Time to Time, to make and ordain fit and wholesome Orders and Ordinances within the Province or Territory aforesaid, or any County, Baronny, or Province, within the same, to be kept and observed, as well for the keeping of the Peace, as for the better Government of the People there abiding, and to publish the same to all to whom it may concern: Which Ordinances we do, by these Presents, straitly charge and command to be inviolably observed within the same Province, Counties, Territories, Baronnies, and Provinces, under the Penalties therein expressed; so as such Ordinances be reasonable, and not repug-

repugnant or contrary, but, as near as may be, agreeable to the Laws and Statutes of this our Kingdom of *England*; and so as the same Ordinances do not extend to the binding, charging, or taking away the Right or Interest of any Person or Persons, in their Freehold, Goods, or Chattels, whatsoever.

A N D to the End the said Province or Territory may be the more happily increased; by the Multitude of People resorting thither, and may likewise be the more strongly defended from the Incurfions of Savages, and other Enemies; Pirates, and Robbers; therefore, we, for us, our Heirs and Successors, do give and grant, by these Presents, full Power, Licence, and Liberty, unto all the Liege People of us, our Heirs and Successors, in our Kingdom of *England*, and elsewhere, within any other our Dominions, Islands, Colonies, or Plantations, (excepting those who shall be especially forbidden) to transport themselves and Families into the said Province or Territory, with convenient Shipping and fitting Provision; and there to settle themselves, dwell, and inhabit: Any Law, Act, Statute, Ordinance, or other Thing, to the contrary, notwithstanding.

A N D we will also, and of our especial Grace, for us, our Heirs and Successors, do streightly enjoin, ordain, constitute, and command, that the said Province and Territory shall be of our Allegiance; and that all and singular the Subjects and Liege People of us, our Heirs and Successors, transported; or to be transported into the said Province, and the Children of them, and such as shall descend from them there born, or hereafter to be born, be, and shall be Dennizons and Lieges of us, our Heirs and Successors, of this our Kingdom of *England*, and be, in all Things, held, treated, and reputed, as the Liege faithful People of us, our Heirs and Successors, born within this our said Kingdom, or any other of our Dominions; and may inherit or otherwise purchase and receive, take, hold, buy and possess, any Lands, Tenements, or Hereditaments, within the said Places, and them may occupy and enjoy, sell, alien, and bequeath; as likewise, all Liberties, Franchises, and Privileges, of this our Kingdom, and of other our Dominions aforesaid, may freely and quietly have, possess, and enjoy, as our Liege People, born within the same, without the Molestation, Vexation, Trouble, or Grievance, of us, our Heirs and Successors: Any Act, Statute, Ordinance, or Provision, to the contrary, notwithstanding.

A N D furthermore, that our Subjects of this our said Kingdom of *England*, and other our Dominions, may be the rather encouraged to undertake this Expedition, with ready and chearful Means; Know ye, That we, of our especial Grace, certain Knowledge, and mere Motion, do give and grant, by Virtue of these Presents, as well to the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley*, and their Heirs, as unto all others as shall, from Time to Time, repair unto the said Province or Territory, with a Purpose to inhabit there, or to trade with the Natives there-

thereof; full Liberty and Licence, to lade and freight, in every Port whatsoever, of us, our Heirs and Successors, and into the said Province of *Carolina*, by them, their Servants and Assigns, to transport all and singular their Goods, Wares, and Merchandises; as likewise, all Sorts of Grain whatsoever, and any other Thing whatsoever, necessary for their Food and Cloathing, not prohibited by the Laws and Statutes of our Kingdom and Dominions, to be carried out of the same, without any Let or Molestation of us, our Heirs and Successors, or of any other our Officers or Ministers whatsoever; saving also unto us, our Heirs and Successors, the Customs, and other Duties and Payments, due for the said Wares and Merchandises, according to the several Rates of the Places from whence the same shall be transported.

WE will also, and by these Presents, for us, our Heirs and Successors, do give and grant Licence, by this our Charter, unto the said *Edward* Earl of *Clarendon*, *George* Duke of *Albemarle*, *William* Earl of *Craven*, *John* Lord *Berkeley*, *Anthony* Lord *Ashley*, *Sir* *George* *Carteret*, *Sir* *John* *Colleton*, and *Sir* *William* *Berkeley*, and their Heirs and Assigns, and to all the Inhabitants and Dwellers in the Province or Territory aforesaid, both present and to come, full Power and absolute Authority, to import or unlade, by themselves or their Servants, Factors, or Assigns, all Merchandises and Goods whatsoever that shall arise of the Fruits and Commodities of the said Province or Territory, either by Land or Sea, into any the Ports of us, our Heirs and Successors, in our Kingdom of *England*, *Scotland*, or *Ireland*, or otherwise to dispose of the said Goods in the said Ports; and, if Need be, within One Year next after the unlading, to lade the said Merchandises and Goods again into the same or other Ships; and to export the same into any other Countries, either of our Dominions or Foreign, being in Amity with us, our Heirs and Successors, so as they pay such Customs, Subsidies, and other Duties, for the same, to us, our Heirs and Successors, as the rest of our Subjects of this our Kingdom, for the Time being, shall be bound to pay; beyond which, we will not, that the Inhabitants of the said Province or Territory, shall be any ways charged: *Provided nevertheless*, and our Will and Pleasure is, and we have further, for the Considerations aforesaid, of our special Grace, certain Knowledge, and mere Motion, given and granted, and by these Presents, for us, our Heirs and Successors, do give and grant unto the said *Edward* Earl of *Clarendon*, *George* Duke of *Albemarle*, *William* Earl of *Craven*, *John* Lord *Berkeley*, *Anthony* Lord *Ashley*, *Sir* *George* *Carteret*, *Sir* *John* *Colleton*, and *Sir* *William* *Berkeley*, their Heirs and Assigns, full and free Licence, Power, and Authority, at any Time or Times, from and after the Feast of *St. Michael* the Archangel, which shall be in the Year of our Lord Christ One Thousand Six Hundred and Sixty Seven, as well to import and bring into any of our Dominions, from the said Province of *Carolina*, or any Part thereof, the several Goods herein after mentioned; that is to say, Silks, Wines, Raisins, Capers, Wax, Almonds, Oil, and Olives, without paying or answering to us, our Heirs and Successors, any Custom, Impost, or other Duty, for or in Respect thereof, for and during the Term and Space of Seven Years, to commence and be accounted

counted from and after the Importation of Four Tons of any of the said Goods, in any one Bottom, Ship, or Vessel, from the said Province or Territory, into any of our Dominions; as also, to export, and carry out of any of our Dominions, into the said Province or Territory, Custom-free, all Sorts of Tools which shall be useful or necessary for the Planters there, in the Accommodation and Improvement of the Premises: Any Thing before in these Presents contained, or any Law, Act, Statute, Prohibition, or other Matter or Thing, heretofore had, made, enacted, or provided, in any-wise, notwithstanding.

A N D further more, of our more ample and especial Grace, certain Knowledge, and mere Motion, we do, for us, our Heirs and Successors, grant unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley*, their Heirs and Assigns, full and absolute Power and Authority, to make, erect, and constitute, within the said Province or Territory, and the Isles and Illets aforesaid, such and so many Sea-Ports, Harbours, Creeks, and other Places, for Discharge and unlading of Goods and Merchandises, out of Ships, Boats, and other Vessels, and for lading of them, in such and so many Places, with such Jurisdictions, Privileges, and Franchises, unto the said Ports belonging, as to them shall seem most expedient; and that all and singular the Ships, Boats, and other Vessels, which shall come for Merchandises and trade into the said Province or Territory, or shall depart out of the same, shall be laden and unladen at such Ports only as shall be erected and constituted by the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley*, their Heirs and Assigns, and not elsewhere: Any Use, Custom, or Thing, to the contrary, notwithstanding.

A N D we do further will, appoint, and ordain, and by these Presents, for us, our Heirs and Successors, do grant unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley*, and their Heirs and Assigns, that they the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley*, their Heirs and Assigns, may, from Time to Time, for ever, have and enjoy the Customs and Subsidies, in the Ports, Harbours, Creeks, and other Places within the Province aforesaid, payable for the Goods, Wares, and Merchandises there laded, or to be laded or unladed; the said Customs to be reasonably assessed, upon any Occasion, by themselves, and by and with the Consent of the free People, or the greater Part of them, as aforesaid; to whom we give Power, by these Presents, for us, our Heirs and Successors, upon just Cause, and in due Proportion, to assess and impose the same.

A N D

A N D further, of our especial Grace, certain Knowledge, and mere Motion, we have given, granted, and confirmed, and by these Presents, for us, our Heirs and Successors, do give, grant, and confirm, unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley*, their Heirs and Assigns, full and absolute Power, Licence, and Authority, that they the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley*, their Heirs and Assigns, from Time to Time hereafter, for ever, at his and their Will and Pleasure, may assign, alien, grant, demise, or enfeof, the Premises, or any Part or Parcel thereof, to him or them that shall be willing to purchase the same, and to such Person and Persons as they shall think fit; to have and to hold to them, the said Person or Persons, their Heirs and Assigns, in Fee-Simple, or in Fee-Tail, or for Term of Life or Lives, or Years; to be held of them the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley*, their Heirs and Assigns, by such Rents, Services, and Customs, as shall seem fit to them the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley*, their Heirs and Assigns, and not of us, our Heirs and Successors: And to the same Person and Persons, and to all and every of them, we do give and grant, by these Presents, for us, our Heirs and Successors, Licence, Authority, and Power, that such Person or Persons may have and take the Premises, or any Part thereof, of the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley*, their Heirs and Assigns; and the same to hold to themselves, their Heirs and Assigns, in what Estate of Inheritance soever, in Fee-Simple, or Fee-Tail, or otherwise, as to them the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley*, their Heirs or Assigns, shall seem expedient; the Statute in the Parliament of *Edward, Son of King Henry*, heretofore King of *England*, our Predecessor, commonly called the Statute of *Quia emptores Terrar*, or any other Statute, Act, Ordinance, Use, Law, Custom, or any other Matter, Cause, or Thing, heretofore published or provided to the contrary, in any-wise, notwithstanding.

A N D because many Persons, born and inhabiting in the said Province, for their Deserts and Services, may expect and be capable of Marks of Honour and Favour, which, in Respect of the great Distance, cannot be conveniently conferred by us; our Will and Pleasure therefore is, and we do by these Presents, give and grant unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret,*
 Sir

Sir *John Colleton*, and Sir *William Berkeley*, and their Heirs and Assigns, full Power and Authority, to give and confer unto and upon such of the Inhabitants of the said Province or Territory, as they shall think do or shall merit the same, such Marks of Favour and Titles of Honour, as they shall think fit; so as their Titles or Honours be not the same as are enjoyed by or conferred upon any of the Subjects of this our Kingdom of *England*.

A N D further also, we do, by these Presents, for us, our Heirs and Successors, give and grant Licence, to the said *Edward Earl of Clarendon*, *George Duke of Albemarle*, *William Earl of Craven*, *John Lord Berkeley*, *Anthony Lord Ashley*, Sir *George Carteret*, Sir *John Colleton*, and Sir *William Berkeley*, and their Heirs and Assigns, full Power, Liberty, and Licence, to erect, raise, and build, within the said Province and Places aforesaid, or any Part or Parts thereof, such and so many Forts, Fortresses, Castles, Cities, Boroughs, Towns, Villages, and other Fortifications whatsoever; and the same, or any of them, to fortify and furnish with Ordinance, Powder, Shot, Armour, and all other Weapons, Ammunition, and Habiliments of War, both defensive and offensive, as shall be thought fit and convenient, for the Safety and Welfare of the said Province and Places, or any Part thereof; and the same, or any of them, from Time to Time, as Occasion shall require, to dismantle, disfurnish, demolish, and pull down: And also to place, constitute, and appoint, in or over all or any of the said Castles, Forts, Fortifications, Cities, Towns, and Places aforesaid, Governors, Deputy-Governors, Magistrates, Sheriffs, and other Officers, Civil and Military, as to them shall seem meet: And to the said Cities, Boroughs, Towns, Villages, or any other Place or Places, within the said Province or Territory, to grant Letters or Charters of Incorporation, with all Liberties, Franchises, and Privileges, requisite or usual, or to or within this our Kingdom of *England* granted or belonging; and in the same Cities, Boroughs, Towns, and other Places, to constitute, erect and appoint such and so many Markets, Marts, and Fairs, as shall, in that Behalf, be thought fit and necessary: And further also, to erect and make in the Province or Territory aforesaid, or any Part thereof, so many Manors, with such Signories as to them shall seem meet and convenient; and in every of the same Manors to have and to hold a Court-Baron, with all Things whatsoever which to a Court-Baron do belong; and to have and to hold Views of Frank-Pledge and Court-Leets, for the Conservation of the Peace and better Government of those Parts, with such Limits, Jurisdictions and Precincts, as by the said *Edward Earl of Clarendon*, *George Duke of Albemarle*, *William Earl of Craven*, *John Lord Berkeley*, *Anthony Lord Ashley*, Sir *George Carteret*, Sir *John Colleton*, and Sir *William Berkeley*, or their Heirs, shall be appointed for that Purpose, with all Things whatsoever which to a Court-Leet, or View of Frank-Pledge, do belong; the same Courts to be holden by Stewards, to be deputed and authorised by the said *Edward Earl of Clarendon*, *George Duke of Albemarle*, *William Earl of Craven*, *John Lord Berkeley*, *Anthony Lord Ashley*, Sir *George Carteret*, Sir *John Colleton*, and Sir *William Berkeley*, or their Heirs, by the Lords of the Manors and Leets, for the Time being, when the same shall be erected.

AND because that in so remote a Country, and situate among so many barbarous Nations, the Invasions of Savages and other Enemies, Pirates, and Robbers, may probably be feared; therefore, we have given, and for us, our Heirs and Successors, do give Power, by these Presents, unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley*, their Heirs or Assigns, by themselves, or their Captains, or other Officers, to levy, muster, and train up all sorts of Men, of what Condition soever, or wheresoever born; whether in the said Province, or elsewhere, for the Time being; and to make War, and pursue the Enemies aforesaid, as well by Sea, as by Land; yea, even without the Limits of the said Province, and, by God's Assistance, to vanquish, and take them; and being taken, to put them to Death, by the Law of War, and to save them at their Pleasure, and to do all and every other Thing, which to the Charge and Office of a Captain General of an Army, hath had the same.

Also, our Will and Pleasure is, and by this our Charter, we do give and grant unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley*, their Heirs and Assigns, full Power, Liberty, and Authority, in Case of Rebellion, Tumult, or Sedition, (if any should happen, which God forbid) either upon the Land within the Province aforesaid, or upon the main Sea, in making a Voyage thither, or returning from thence, by him and themselves, their Captains, Deputies, or Officers, to be authorized under his or their Seals, for that Purpose; to whom also, for us, our Heirs and Successors, we do give and grant, by these Presents, full Power and Authority, to exercise Martial Law against any mutinous and seditious Persons of these Parts; such as shall refuse to submit themselves to their Government, or shall refuse to serve in the War, or shall fly to the Enemy, or forsake their Colours or Ensigns, or be Loyerers, or Straglers, or otherwise offending against Law, Custom, or Military Discipline; as freely and in as ample Manner and Form, as any Captain-General of an Army, by Virtue of his Office, might or hath accustomed to use the same.

AND our further Pleasure is, and by these Presents, for us, our Heirs and Successors, we do grant unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley*, their Heirs and Assigns, and to the Tenants and Inhabitants of the said Province or Territory, both present and to come, and to every of them, that the said Province or Territory, and the Tenants and Inhabitants thereof, shall not, from henceforth, be held or reputed any Member or Part of any Colony whatsoever in *America*, or elsewhere, now transported or made, or hereafter to be transported or made; nor shall be depending on, or subject to their Government in any Thing, but be absolutely separated and divided from the

the same; and our Pleasure is, by these Presents, that they be separated, and that they be subject immediately to our Crown of *England*, as depending thereof, for ever: And that the Inhabitants of the said Province or Territory, nor any of them, shall, at any Time hereafter, be compelled, or compellable, or be any way subject or liable to appear or answer to any Matter, Suit, Cause or Complaint whatsoever, out of the Province or Territory aforesaid, in any other of our Islands, Colonies, or Dominions in *America*, or elsewhere, other than in our Realm of *England*, and Dominion of *Wales*.

A N D because it may happen that some of the People and Inhabitants of the said Province, cannot, in their private Opinions, conform to the Public Exercise of Religion, according to the Liturgy, Forms, and Ceremonies of the Church of *England*, or take and subscribe the Oaths and Articles made and established in that Behalf; and for that the same, by Reason of the remote Distances of those Places, will, as we hope, be no Breach of the Unity and Conformity established in this Nation; our Will and Pleasure therefore is, and we do, by these Presents, for us, our Heirs and Successors, give and grant unto the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley*, their Heirs and Assigns, full and free Licence, Liberty, and Authority, by such Ways and Means as they shall think fit, to give and grant unto such Person and Persons, inhabiting and being within the said Province or Territory, hereby, or by the said recited Letters Patents mentioned to be granted as aforesaid, or any Part thereof, such Indulgences and Dispensations, in that Behalf, for and during such Time and Times, and with such Limitations and Restrictions, as they the said *Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley*, their Heirs or Assigns, shall, in their Discretion, think fit and reasonable: And that no Person or Persons unto whom such Liberty shall be given, shall be any way molested, punished, disquieted, or called in Question, for any Differences in Opinion, or Practice in Matters of religious Concernments, who do not actually disturb the Civil Peace of the Province, County or Colony, that they shall make their Abode in: But all and every such Person and Persons may, from Time to Time, and at all Times, freely and quietly have and enjoy his and their Judgments and Consciences, in Matters of Religion, throughout all the said Province or Colony, they behaving themselves peaceably, and not using this Liberty to Licentiousness, nor to the Civil Injury, or outward Disturbance of others: Any Law, Statute, or Clause, contained or to be contained, Usage or Custom of our Realm of *England*, to the contrary hereof, in any-wise, notwithstanding.

A N D in Case it shall happen, that any Doubts or Questions shall arise, concerning the true Sense and Understanding of any Word, Clause, or Sentence contained in this our present Charter; we will, ordain, and command, that in all Times, and in all Things, such Interpret-

terpretations be made thereof, and allowed in all and every of our Courts whatsoever, as lawfully may be adjudged most advantageous and favourable to the said *Edward* Earl of *Clarendon*, *George* Duke of *Albemarle*; *William* Earl of *Craven*, *John* Lord *Berkeley*, *Anthony* Lord *Ashley*, *Sir George* *Carteret*, *Sir John* *Colleton*, and *Sir William* *Berkeley*, their Heirs and Assigns, although expresse Mention, &c.

W I T N E S S Ourself, at *Westminster*, the Thirtieth Day of *June*, in the Seventeenth Year of Our Reign.

Per ipsum Regem.



GREAT DEED of GRANT.

GEORGE Duke of *Albemarle*, Master of his Majesty's Horſe; *Edward* Earl of *Clarendon*; *William* Earl of *Craven*; *John* Lord *Berkeley*; *Anthony* Lord *Ashley*, Chancellor of the Exchequer; Sir *George Carteret*, Vice-Chamberlain of his Majesty's Houſhold; Sir *William Berkeley*, Knight; and Sir *John Colleton*, Baronet; the true and abſolute Lords Proprietors of all the Province of *Carolina*.

To our truſty and well-beloved *SAMUEL STEPHENS*, Eſq; Governor of our County of *Albemarle*, and the Iſles and Iſlets within Ten Leagues thereof; and to our truſty and well-beloved Councilors and Aſſiſtants to our ſaid Governor. Greeting.

W H E R E A S we have received a Petition from the Grand Aſſembly of our County of *Albemarle*, praying, That the Inhabitants of the ſaid County may hold their Lands upon the ſame Terms and Conditions that the Inhabitants of *Virginia* hold theirs; and forasmuch as the ſaid County doth border upon *Virginia*, and is much of the ſame Nature, We are content, and do grant, that the Inhabitants of the ſaid County do hold their Lands of us, the Lords Proprietors, upon the ſame Terms and Conditions that the Inhabitants of *Virginia* hold theirs: W H E R E F O R E, be it known unto all Men, by theſe Preſents, That we, the ſaid Lords and abſolute Proprietors of the County within the Province aforeſaid, have given, granted, and by theſe Preſents, do give and grant, full Power and Authority unto you, the ſaid Governor, by and with the Conſent of our Council, or the major Part thereof, or to any Governor for the Time being, or that ſhall hereafter be by us appointed, full Power and Authority, by and with the Conſent of our Council then being, or the major Part thereof, to convey and grant ſuch Proportions of Land, as, by our Inſtructions and Conceſſions, annexed to our Commiſſion, bearing Date in *October, Anno Dom. 1667*, we have appointed, to ſuch Perſons as ſhall come into our ſaid County to plant or inhabit; to be held of us, our Heirs and Aſſigns, upon the ſame Terms and Conditions, that Land is at preſent uſually Granted in *Virginia*; any thing in our Inſtructions and Conceſſions aforeſaid to the contrary, notwithstanding: And we do hereby Declare and Conſent, that the Warrant to the Surveyor for the laying out of ſaid Land, and the Return thereon, being Reſtred, and alſo the Grant of you our ſaid Governor and Council, that ſhall be where ſuch Land is due having the Seal of the Country affix'd to it, and ſigned by your ſelf, and major Part of our Council, for the Time being, being Reſtred, ſhall be good and effectual in Law, for the Enjoyment of the ſaid Land or Plantation, and all the Benefits and Profits of, and in the ſame, (except one half of all Gold and Silver Mines) to the Party to whom it is granted, his Heirs and Aſſigns, forever, he or they performing the Conditions aforeſaid.

G I V E N under our Hands, and Great Seal of our Province, the 1^{ſt} of May, *Anno Dom. 1668*.

<i>Albemarle,</i>	<i>Craven,</i>
<i>Berkeley,</i>	<i>Ashley,</i>
<i>Carteret,</i>	<i>Colleton,</i>

GREAT DEED OF GRANT.

and absolute Lordship of all the Princes of (Germany
William Barker, Knight, and Sir John Barker, Baronet, the late
George Barker, Vice-Chamberlain of his Majesty's Household, Sir
John Barker, Lord Mayor, Chamberlain of the Exchequer, Sir
John Barker, Bart. in Parliament, Sir John Barker, Bart.
George Barker, of Aldershot, Master of his Majesty's Horse, Edw.

To our truly and affectionately beloved & AMURIE STEPHENS, Esq.
Governor of our County of Albemarle, and the Honors and Illustrious
Ten Leagues thereof, and to our truly and affectionately beloved Council-
lors and Assistants to our said Governor. Greeting.

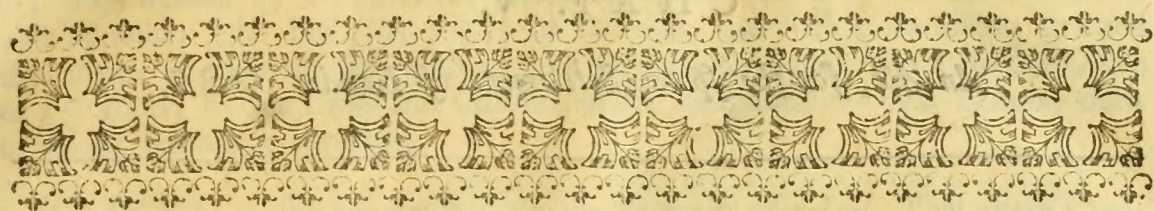
Allons forever, he or they performing the Conditions aforesaid.
 and Silver Mines) to the Party to whom it is granted, his Heirs and
 Benefits and Proofs of, and in the same, (except one half of all Gold
 Law, for the Employment of the said Land or Plantation, and all the
 for the Time being, being Registered, shall be good and effectual in
 signed to it, and signed by your self and major Part of our Council,
 this shall be where such Land is due having the Seal of the Country
 ing Registered, and also the Grant of you our said Governor and Coun-
 Surveyor for the laying out of said Land, and the Return thereon, be-
 ing: And we do hereby Declare and Consent that the Warrant to the
 our Instructions and Conditions aforesaid to the contrary, notwithstanding-
 tions, that Land is at present actually Granted in Virginia; any thing in-
 held of us our Heirs and Assigns upon the same Terms and Condi-
 Persons as shall come into our said County to plant or inhabit; to be
 ing Date in October, Anno Domini 1667, we have appointed, to such
 by our Instructions and Conditions, annexed to our Commission, bear-
 Major Part thereof to convey and grant such Proportions of Land, as
 Authority, by and with the Consent of our Council then being, or the
 Time being, or that shall hereafter be by us appointed, full Power and
 our Council, of the major Part thereof, or to any Governor for the
 and Authority unto you, the said Governor, by and with the Consent of
 given, granted, and by these Presents, do give and grant full Power
 absolute Proprietors of the County within the Province aforesaid, have
 known unto all Men, by these Presents, That we, the said Lords and
 the Inhabitants of Virginia hold the same, WHEREFORE, he is
 of us, the Lords Proprietors, upon the same Terms and Conditions that
 do grant, that the Inhabitants of the said County do hold their Lands
 upon Virginia, and as much of the same Nature. We are content, and
 Virginia hold the same, and notwithstanding as the said County both border
 the same Terms and Conditions that the Inhabitants of

1868. May. June. 1868.

Craven,
Alfred,
Collector.

Albion
Berkeley
Garratt

A D 1715.



ANNO REGNI
G E O R G I I I,
 Regis *Magnae, Britanniae, Franciae, & Hi-*
berniae, Secundi.

At a General Biennial A S S E M B L Y, held at the House
 of Capt. *Richard Sanderfon*, at *Little River*, begun the
 17th Day of *November*, 1715, and continued, by several
 Adjournments, until the 19th Day of *January*, 1715.

CHARLES
 EDEN, Esq;
 Governor.

C H A P. I.

An Act, concerning Marriages. OBSOLETE.

C H A P. II.

An Act, concerning Transferring Rights. OBS.

C H A P. III.

An Act, concerning Defraying the Charges of the Governor and Council.
 OBS.

C H A P. IV.

An Act, Prohibiting Strangers Trading with the Indians. OBS.

A. D. 1715.

C H A P. V.

An Act, for the speedy Settlement of Lands. OBS.

C H A P. VI.

An Act, Exempting New-Comers from paying Levies for One Year. OBS.

C H A P. VII.

Rep. by Act, April 4, 1741.

An Act, for the better observing the Lord's Day called Sunday, the 30th of January, the 29th of May, and the 22d of September; and also for the Suppressing Prophaneness, Immorality, and divers other vicious and enormous Sins.

C H A P. VIII.

Rep. by Act, April 4, 1741.

An Act, for Establishing the Church, and appointing select Vestries.

C H A P. IX.

The Substance of this Act provided for by the several Statutes of England, made in Force in this Province by Act, Oct. 16, 1749.

An Act, for Liberty of Conscience, and that the Solemn Affirmation of the People called Quakers shall be accepted, instead of an Oath in the usual Form.

C H A P. X.

Rep. by his Majesty's Order.

An Act, relating to the Biennial, and other Assemblies; and regulating Elections and Members.

C H A P. XI.

Coroners appointed.

Governor to appoint Coroners for every Precinct, by Commission.

I. **B**E it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Little River, for the North East Part of the said Province, and it is hereby Enacted, That there shall be one able and substantial Freeholder appointed, to be Coroner in every Precinct which now is, or hereafter shall be laid out within this Government; which Officer the Governor

vernor or Commander in Chief for the Time being is hereby desired, authorised, and impowered, by Commission, under his Hand and Seal, to commissionate and appoint; who shall, by Virtue of this Act, and such Commission granted thereupon, be fully invested with all such Powers and Authorities as to the Office of a Coroner, by the Laws and Customs of the Kingdom of *Great-Britain*, doth of Right belong or appertain.

A. D. 1715.

II. *AND* be it further Enacted, by the Authority aforesaid, That every Coroner so appointed, may, and he is hereby impowered, to take and receive, for every Inquest by him made and taken, and returned into the Secretary's Office, (which he is hereby required, directed, and commanded, within Three Months, after the Date, to do,) the Sum of Sixteen Shillings and Eight Pence, for his own Fee.

Coroner's Fee
16s. 8d.

III. *AND* be it further Enacted, by the Authority aforesaid, That each Juryman shall be paid the Sum of Twelve Pence *per Diem*, and the Constable who summoneth the Jury, the Sum of One Shilling for every Juryman; the Whole to be levied, by a Warrant from the Coroner, upon the Estate of the Party on whose Body any Inquest shall be taken, if any such can be found: Otherwise such Charges to be paid out of the Public Treasury.

Each Juryman
12 d. per Diem.
Constable 12 d.
for each Juryman he summons.

C H A P. XII.

An Act, for Qualification of Public Officers. OBS.

C H A P. XIII.

An Act, to appoint Constables.

Rep. by Act, April 4, 1741.

C H A P. XIV.

An Act, relating to the Justices of the Court of Pleas, and to prevent the Commissioners and other inferior Officers of the said Court, pleading as Attornies.

Rep. by Act, Dec. 5, 1746.

C H A P. XV.

An Act, ascertaining the Time and Method for the Executing and Return of Original Writs; and for the better regulating divers Proceedings in the Court of Pleas.

Rep. by Act, Dec. 5, 1746.

C H A P. XVI.

An Act, to direct the Method to be observed, in the Examination and Commitment of Criminals.

I. **B**E it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Little River, for the North-East Part of the said Province, and it is hereby Enacted, That from henceforward, no Person within this Province shall be committed to Prison for any Criminal Matter, until Examination thereof be first had before some Magistrate; which Magistrate shall admit the Party to Bail, if bailable, and shall record the Examination of the Party, and also the full Matter given in Evidence, both against him and for him, with all concurring Circumstances; and shall take Recognizance, with good and sufficient Securities, to our Sovereign Lord the King, for the Informer to appear and prosecute, as the Laws of the Kingdom of Great-Britain and this Province do direct; and likewise for all Evidences for the King to appear, and give Evidence against the Criminal, at the next Court, where the Matter is cognizable, ensuing such Examination: Which Examination and Recognizances so taken, shall be returned to the Office of the Court wherein the Matter is to be tried, under the Penalty of Five Pounds for every Neglect; One Half to the Lords Proprietors, and the other Half to him or them that shall sue for the same: To be recovered, in any Court within this Government, by Action of Debt, Bill, Plaint, or Information; wherein no Effoin, Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

No Person shall be committed, without Examination.

Magistrate shall admit to Bail, if bailable.

Shall Record the Examination, & the Matter given in Evidence, against, and for him.

Shall take Recognizance, to prosecute, and give Evidence.

And shall return all to the next Court where the Matter is to be tried, under Penalty of 5. for every Neglect.

C H A P. XVII.

An Act, concerning Evidences.

Rep. by Act,
Dec. 5, 1746,
Chap. 2.

C H A P. XVIII.

An Act, for the Relief of such Creditors whose Debtors having Lands in this Government, depart, without leaving Personal Estate sufficient to pay their Debts.

Rep. by Act,
Dec. 5, 1746,
Chap. 2.

C H A P. XIX.

An Act, concerning Escapes of Persons under Execution. O B S.

A. D. 1715.

C H A P. XX.

An Act, to direct the Disposal of Goods taken upon Execution; and for the better Regulation of Distresses hereafter to be made, for Levies and Quit-Rents.

I. **B**E it Enacted, by his Excellency the Palatin, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Little River, for the North East Part of the said Province, and by the Authority of the same, it is hereby Enacted, That in all Cases whatsoever, where any Goods or Chattels shall be taken upon Execution, granted, or hereafter to be granted out of any Court, or by Distress for Taxes and Quit-Rents, the same shall remain in Custody of the Provost Marshal, or his Deputy, Constable, or such other Person levying or making Execution or Distress, for and during the Space of Ten Days; at the Determination of which Time, (if they are not before redeemed by the Person from whom they were taken,) they shall be appraised by four substantial Freeholders of the County, two to be chosen by the Party from whom they were taken, and the other two by the Party that is to be possessed of the same; and in Case it happens that both, or either Party or Parties, shall not make such Choice as aforesaid, then the said Marshal, or his Deputy, Constable, or other Person, levying or making such Execution or Distress, shall make Choice, in Behalf of him, her, or them, who shall so neglect to make Choice; and if the Appraisers so nominated and appointed, (being first sworn before some Magistrate,) cannot agree in their Appraisalment, then the said Appraisers, or any Three of them, shall, and they are hereby impowered and required, to choose an Umpire, who (being also sworn as aforesaid,) shall determine the Matter; and the Property of such Goods so appraised shall forthwith be in and to the Party for whom they were taken, he or they returning the Overplus (if any be) to the Person whose Goods or Effects shall be so taken in Execution, or distrained upon and appraised, after the original Debt, with all accruing Costs, are satisfied and paid out of the same.

Where Goods are taken by Execution or Distress, they shall remain with the Officer 10 Days; if not before redeem'd, then to be apprais'd by 4 Freeholders, 2 to be nam'd by each Party.

If any Party fail to name Appraisers, Officer may make Choice for him.

If Appraisers can't agree, they shall choose an Umpire, who, being sworn, shall determine the Matter.

The Property of such Goods shall be in the Party for whom they were taken, returning Overplus if any.

II. *PROVIDED* always, That in all Cases where the Sum taken by Execution or Distress, shall not exceed Fifty Shillings, there shall be only Two Appraisers, to be equally elected and nominated, as aforesaid.

If the Sum do not exceed 50 s. then only two Appraisers.

III. *AND* be it further Enacted, by the Authority aforesaid, That the Provost-Marshal, or his Deputy, after Execution levied, shall make Return of the Execution to the Court that granted it, there to be entered upon Record; that so the Satisfaction, as well as the Judgment, may be apparently proved, if Need require.

Execution to be return'd to Court and there entred.

C H A P. XXI.

An Act, concerning Attornies from Foreign Parts, and for giving Priority to Country Debts.

Rep. by his Majesty's Order, in Council.

A. D. 1715.

C H A P. XXII.

An Act, concerning Appeals, and Writs of Error.

Rep. by Act,
Dec. 5, 1746.
all but the 9th &
10th Sections;
which are as fol-
low.

IX. **B**E it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Little River, for the North-East Part of the said Province, and by the Authority of the same, it is hereby Enacted, That in Case any Suit or Matter should arise in the Court of Chancery, where the Governor or Commander in Chief of this Government for the Time being, may be a Party, or interested therein, it shall and may be lawful for any Four of the Members of the Court to sit and act therein, as tho' the said Governor or Commander were present, and not any ways interested, or a Party therein.

X. **A N D** be it further Enacted, by the Authority aforesaid, That from and after the Ratification of this Act, every Member of the Council, or Lords Proprietors Deputy, shall, upon his entering into that Office, and before he presumes to give his Opinion or Determination in any Cause that shall come before him, take an Oath, That he will do Right to all Manner of Persons, according to the best of his Judgment and Understanding of the Laws and Usages of the Kingdom of Great-Britain, under the Penalty and Forfeiture of One Hundred Pounds for every Month he shall neglect or refuse to take the same; One Half to the Lords Proprietors, the other to him or them that shall sue for the same: To be recovered, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within the Government; wherein no Effoin, Injunction, Protection, or Wager of Law shall be allowed or admitted of.

C H A P. XXIII.

Rep. by Act,
March 6, 1738.
Chap. 6.

An Act, to prevent the Inhabitants of Bath County bringing Actions in the General Court against one another, for less than Ten Pounds.

C H A P. XXIV.

Rep. by Act, A.
pril 4, 1741.
Chap. 15.

An Act, for the Tryal of small and mean Causes.

C H A P. XXV.

Rep. by Act, A.
pril 4, 1740.
Chap. 12.

An Act, for the better Regulation of the Militia of this Government.

C H A P. XXVI.

The subject Mat-
ter of this Act
regulated by the
King's Instructi-
ons and Orders of
Government
here, therefore,
Obsolete.

The Form of a Patent.

A. D. 1715.

C H A P. XXVII.

An Act, concerning old Titles of Lands; and for Limitation of Actions, and for avoiding Suits in Law.

I. **W**HEREAS great Suit, Debate, and Controversy hath heretofore been, and may hereafter arise, by Means of ancient Titles to Land derived from Patents granted by the Governor of *Virginia*, the Condition of which Patents have not been performed, nor Quit-Rents paid, or the Lands have been deserted by the first Patentees, or for, or by Reason, or Means of former Entries or Patents granted in this Government; for Prevention whereof, and for quieting Mens Estates, and for avoiding Suits in Law, Preamble.

II. *Be it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Little River, for the North-East Part of the said Province, and it is hereby Enacted by the Authority of the same, That* all Possessions of, or Titles to any Lands, Tenements, or Hereditaments whatsoever, derived from any Sales made either by Creditors, Executors or Administrators of any Person deceased, or by Husbands and their Wives, or Husbands in Right of their Wives, or by Indorsement of Patents, or otherwise, of which the Purchaser or Possessor, or any claiming under them, have continued, or shall continue in Possession of the same for the Space of Seven Years without any Suit in Law, be, and are hereby ratified, confirmed, and declared good and legal, to all Intents and Purposes whatsoever, against all and all Manner of Persons: Any former or other Title, or Claim, Act, Law, Usage, or Statute, to the contrary, in any-wise, notwithstanding. All Possessions or Titles to Lands derived from Creditors, Executors, or Administrators, or by Husband, &c. or by Indorsement of Patent, of which the Possessor has continued in Possession 7 Years, without Suit, are ratified, and declared good, to all Intents, against all Persons, &c.

III. *AND be it further Enacted, by the Authority aforesaid, That* no Person or Persons, nor their Heirs, which hereafter shall have any Right or Title to any Lands, Tenements, or Hereditaments, shall thereunto enter or make Claim, but within Seven Years next after his, her, or their Right or Title which descend or accrue; and in Default thereof, such Person or Persons so not entering or making Default, shall be utterly excluded and disabled from any Entry or Claim thereafter to be made. Persons hereafter having Right, shall make Claim within 7 Years, after Right accrued; or be utterly excluded.

IV. *PROVIDED nevertheless, That* if any Person or Persons that is, or hereafter shall be, intitled to any Right or Claim of Lands, Tenements, or Hereditaments, shall be, at the Time the said Right or Title first descended, accrued, come, or fallen, within the Age of Twenty One Years, Feme Covert, *Non compos mentis*, imprisoned, or beyond Seas, that then such Person or Persons shall and may, notwithstanding the said Seven Years be expired, commence his, her, or their Suit, or make his, her, or their Entry, as he, she, or they might have done before this Act, so as such Person or Persons shall, within Three Years next after full Age, Discoverture, coming of sound Mind, Enlargement out of Prison, or Persons beyond Seas, within Eight Years after the Title or Claim becomes due, take Benefit and sue for the same, and at no Time after the Times or Limitations herein specified; but that all Possessions held without suing such Claim as aforesaid, shall be a perpetual Bar against all and all manner of Persons whatsoever, that the Expectation of Heirs may not, in a short Time, leave much Land unpossessed, and Titles so perplexed, that no Man will know of whom to take or buy Land. Persons under Age, Feme Covert, &c. may bring Suit within 3 Years after they come to Age, &c.
Persons beyond Seas, within 8 Years.
All Possessions held without Suit as aforesaid, shall be a perpetual Bar; lest much Land be unpossessed, and no Man know of whom to buy.

V. *AND be it further Enacted, by the Authority aforesaid, That* all Actions of Trespass, Detinue, Actions sur Trover, and Replevin, for taking away of Goods All Actions of Trespass, &c. upon Accompt, Goods

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& upon the Case, &c. shall be sued within the Time in this Act limited, & not after. Actions of Accompt, Case, Debt for Arrearages of Rent, Detinue, Replevin, Trespafs *Quare Clausum fregit*, within 3 Years; except Accompt between Merchants, &c. Trespafs, Assault and Battery, Wounding, Imprisonment, within 1 Year. Case for Words, within 6 Months.

Goods and Chattels; all Actions of Accompt, and upon the Case; all Actions of Debt for Arrearages of Rent; and all Actions of Assault, Menace, Battery, Wounding, and Imprisonment, or any of them, which shall be sued or brought at any Time after the Ratification of this Act, shall be commenced or brought within the Time and Limitation in this Act expressed, and not after: That is to say; Actions of Accompt Render, Actions upon the Case, Actions of Debt for Arrearages of Rent, Actions of Detinue, Replevin, and Trespafs *Quare Clausum fregit*, within Three Years next after the Ratification of this Act, or within Three Years next after the Cause of such Action or Suit, and not after, except such Accompts as concern the Trade of Merchandise between Merchant and Merchant, and their Factors or Servants; and the said Actions of Trespafs, Assault and Battery, Wounding, Imprisonment, or any of them, within One Year next after the Ratification of this Act, or within One Year after the Cause of such Action or Suit, and not after; and the said Actions upon the Case for Words, within Six Months after the Ratification of this Act, or within Six Months after the Words spoken, and not after.

If Judgment be for the Plaintiff, and it be reversed or arrested, or that he take nothing by his Plaintiff, &c. or Defendant cannot be attached; in such Cases the Plaintiff, &c. may commence a new Suit within 1 Year.

VI. *PROVIDED* nevertheless, and it is hereby further Enacted, That if on any the said Actions or Suits, Judgment be given for the Plaintiff, and the same be reversed by Error, or a Verdict pass for the Plaintiff, and upon Matter alleged in Arrest of Judgment, the Judgment be given against the Plaintiff, that he take nothing by his Plaintiff, Writ, or Bill; or if any of the said Actions shall be brought by original Writ, and the Defendant cannot be attached or legally served with Process, that in all such Cases, the Party Plaintiff, his Heirs, Executors, or Administrators, as the Case shall require, may commence a new Action or Suit, from Time to Time, within a Year after such Judgment reversed, or such Judgment given against the Plaintiff, or till the Defendant can be attached or served with Process, so as to compel him to appear and answer.

In Actions of Trespafs *Quare Clausum fregit*, if the Defendant disclaim, he shall be admitted to plead a Disclaimer, &c. and the Plaintiff shall join Issue. If found for the Defendant, the Plaintiff shall be barred from other Suits for the same.

VII. *AND* be it further Enacted, That in all Actions of Trespafs *Quare Clausum fregit*, hereafter to be brought, wherein the Defendant or Defendants shall disclaim in his or their Plea to make any Title or Claim to the Lands in which the Trespafs is by the Declaration supposed to be done, and the Trespafs be by Negligence, or involuntary, the Defendant or Defendants shall be admitted to plead a Disclaimer, and that the Trespafs was by Negligence, or involuntary, and a Tender or Offer of sufficient Amends for such Trespafs before the Action brought, whereupon, or upon some of them, the Plaintiff or Plaintiffs shall be enforced to join Issue, and the said Issue be found for the Defendant, or the Plaintiff shall be Non-suited; the Plaintiff shall be clearly barred from the said Action, and all other Suits concerning the same.

In Actions for slanderous Words if Damages under 40 s. the Plaintiff shall have no more Costs than Damages.

VIII. *AND* be it further Enacted, by the Authority aforesaid, That in all Actions upon the Case for slanderous Words, to be sued or prosecuted by any Person in the General or Precinct Courts of this Government, after the Ratification of this Act, if the Jury, upon the Tryal of the Issue in such Action, or the Jury that shall inquire of the Damages, do find or assess the Damages under Forty Shillings; then the Plaintiff or Plaintiffs in such Action, shall have and recover only so much Costs as Damages so given or assessed shall amount unto, without any further Increase of the same: Any Law, Statute, Usage, or Custom to the contrary, in any-wise, notwithstanding.

Persons under Age, &c. may bring Suits within the Time be-

IX. *PROVIDED* nevertheless, and be it further Enacted, That if any Person or Persons that is or shall be intitled to any such Actions of Trespafs, Detinue, Actions sur Trover, Replevin, Actions of Accompt, and upon the Case, Actions of Debt for Arrearages of Rent, Actions of Assault, Menace, Battery, Wounding, and Imprisonment, Actions of Trespafs *Quare Clausum fregit*, Ac-

tions

tions upon the Cafe for slanderous Words, be, or shall be at the Time of any such Cause of Action given or accrued, fallen or come within the Age of Twenty One Years, Feme Covert, *Non compos mentis*, imprisoned, or beyond the Seas; that then such Person or Persons shall be at Liberty to bring the same Actions, so as they bring the same within such Times as are before limited, after their coming to or being of full Age, Discoverd, of sound Memory, at large, or returned from beyond the Seas, as other Persons, having no such Impediment, might have done.

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before limited,
after they come
to Age, &c.

C H A P. XXVIII.

Feme Coverts how to pass Lands.

I. **W**HEREAS the legal Way of passing Lands where the Estate is in a Feme Covert, is by Fine and Recovery; and it having been formerly practicable in this Government, (Fines and Recoveries not being in Use here,) that Sales have been made by the Husband with the Wife's Consent, and sometimes by Sales from them both, and acknowledged in Court, the Wife being first privately examined by the Court, whether she acknowledged the same freely: Preamble.

II. *BE it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little River, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That all such Sales which have at any Time heretofore been made in Manner and Form aforesaid, or which hereafter shall be made by the Husband and Wife, and acknowledged before the Chief Justice, or in the Court of the Precinct where the Land lieth, the Wife having been first privately examined, before the Chief Justice or one of the associate Judges, or by some Member appointed by the Court of the Precinct, whether she acknowledgeth the same freely, shall be good and effectual against the Husband and Wife, and their and every of their Heirs and Assigns, and against all other Persons claiming by, from, or under them, or any of them, and that to all Intents and Purposes, as if the same had been done by Fine and Recovery, or by any other Way or Means whatsoever.* All Sales heretofore made by Husband, with Wife's Consent, or by then both, &c. or which hereafter shall be made, and acknowledged before C. Justice, or in Precinct Court, the Wife being examined, the same shall be valid, as if done by Fine, &c. or any other Way.

III. *PROVIDED always, and it is hereby meant and intended, That nothing in this Act contained, shall be construed or meant to give any Power or Authority hereafter for cutting off intailed Lands: Any Thing herein before contained to the contrary, in any-wise, notwithstanding.* Not to be construed to cut off Intails hereafter.

C H A P. XXIX.

An Act, for preventing Disputes concerning Lands already Surveyed.

I. **W**HEREAS Disputes do frequently arise concerning Lands already Surveyed and Patented, to the great Charge and Vexation of many People holding and enjoying those Lands: For Prevention whereof for the future, and for settling such Differences as may hereafter arise; Preamble.

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Lands already surveyed, & Patents granted by former Governors, &c. good and valid.

Patents to be granted on the said Surveys.

He that will take up Swamp, &c. shall give Notice to the Owner of the Land adjoining, and if he neglects to take it up in 6 Months, the Person giving such Notice may.

Land may be re-surveyed; and if the latter Survey doth not exceed the former more than 10 Acres in the Hundred, to be no Error.

Surveyor to go by mark'd Trees, or natural Bounds, or Courses and Distance.

Re-survey containing more than 10 per Cent. Owner may take Surplus, or leave it out where he pleases.

Patents for deceased Persons Land, to be in the Name of the Heir at Law, & subject to Dower &c.

II. *BE it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little River, for the North-East Part of the said Province, and by the Authority of the same, it is hereby Enacted and Declared, That all Surveys already made, and Patents granted, within this Government, by all and every preceeding Governors, Deputy-Governors, or Presidents, are hereby declared to be good and valid, to all Intents and Purposes whatsoever; any pretended Defects or Insufficiency in the Powers or Authorities for so doing to the contrary, in any-wise, notwithstanding: And that Patents may and ought to be granted on all and every the aforesaid Surveys for which Patents are not already granted; those lying within the controverted Bounds only excepted.*

III. *AND be it further Enacted, by the Authority aforesaid, That no Person whatsoever shall take up any Marsh, Swamp, or funken Lands, but shall first give Notice, in Writing, to the Owner of the Land adjoining: After Notice delivered in Writing, before Evidence, such Person or Persons shall have Six Months Time to resolve whether he will take up the same or no; and in Case he shall not, before the End of the said Six Months, take out a Warrant to survey such Marsh, Swamp, or funken Land, as shall be contiguous to his own Land, then the first Person who gave such Notice may survey and patent the same.*

IV. *AND be it further Enacted, by the Authority aforesaid, That if any Person shall believe that there is contained in the Survey or Patent of any Person, more Land than the same Survey or Patent mentions, then, and in such Case, such Person may employ the Surveyor-General, or his Deputy, to re-survey such Land; and if it shall appear that the latter Survey doth not exceed the former by more than Ten Acres in the Hundred, such shall not be deemed any Error, nor the Owner of such Land put to any Charge or Trouble in re-surveying or patenting the same; but the Party employing the Surveyor shall pay all Charges.*

V. *AND be it further Enacted, by the Authority aforesaid, That in all Cases of Differences where any Re-survey shall be made, the Surveyor shall always proceed by the marked Trees, if the same can be found, or by natural Bounds, if any mentioned; and if there be not marked Trees, then he shall follow the Courses mentioned in the Plat or Patent, so as the Intention of the Party first taking up may be observed as near as may be: And if it shall happen that in any Re-survey there shall be more Land contained above the Quantity mentioned, besides Ten in the Hundred before mentioned in this Act, it shall be in the Choice of the Owner of the Land to take the same, paying the Surveyor his Fee, or to leave out the Overplus in such Part or Place as he pleases; and then the whole Charge to be born and paid by him that required the Survey.*

VI. *AND be it further Enacted, by the Authority aforesaid, That all Surveys or Patents hereafter to be made or granted for the Land or Plantation of any deceased Person, the same shall be made and granted in the Name of the Heir at Law, which nevertheless shall not bar any that have Title thereto by Dower or Courtesy, or by the Will of the deceased Possessor; but that every Title or Claim shall stand good and valid in Law, as they might or ought to have done if the deceased Possessor had, in his Life time, surveyed and taken out a Patent for the same in his own Name.*

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C H A P. XXX.

An Act, concerning Escheat Lands, and Escheators.

I. **F**OR the better securing and quieting her Majesty's Subjects of this Province in the Possession of their Lands, We pray that it may be Enacted, *And be it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little River, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same,* That if any Person is or shall be in Possession, by himself, Guardian, or Tenant, of any Lands, by Purchase, Descent, or Last Will and Testament, that do or shall escheate to the Lords Proprietors, such Possessor shall be first admitted to inform and petition the Governor, Deputy-Governor, President, or Commander in Chief for the Time being, for a Writ of Escheat, to be directed to the Escheator-General, or his Deputy, to enquire whether the said Land doth escheat; and if the same shall be found, upon Inquisition duly taken, to escheat, the aforesaid Possessor, and no other Person, shall have a Patent for the same, paying after the Rate of Two Pence an Acre for the Composition thereof, and no more, be there Improvements more or less.

Persons in Possession of escheat Lands, first admitted to petition for a Writ of Escheat.

If it be found to escheat, Possessor to have a Patent for the same, paying 2 d. per Acre.

II. *AND be it further Enacted, by the Authority aforesaid,* That if any Person seized of Land in Fee-Simple, shall happen to die without Heir, or making any Disposition thereof by Will, whereby the said Lands do escheat to the Lords Proprietors, then they shall be granted, after the said Manner, and after the same Composition, to the Widow, or Widower, and if there be none such, then to the Father, and if there be none such, then to the Mother, and if there be none such, then to the eldest Brother of the half Blood, and if there be none such, then to the Sister or Sisters of the half Blood, and if there be none such, then to the nearest of Kin to the Party deceased, and if there be no Kindred, then to any Person who shall first inform and petition for the same.

Escheat Lands to whom granted.

III. *PROVIDED always, and it is further Enacted, by the Authority aforesaid,* That if any Person that is or shall be in Possession of any Land in Manner aforesaid, by Descent, Purchase, or Last Will and Testament, that do or shall escheat; or any Person that shall have Right to inform and petition for Escheat Lands in any of the before recited Cases, shall happen, through Ignorance, to omit the same; that then it shall and may be lawful for any other Person to give him Notice thereof, in the Presence of Two credible Witnesses at the least; and if he shall neglect to inform and petition for the same, in Manner aforesaid, to the Second General Court that shall happen after such Notice given, then the Person giving Notice as aforesaid, shall have the same Lands, paying the Composition as aforesaid.

Persons in Possession of escheat Lands, neglecting to petition for the same, after Notice given, Persons giving such Notice may have the same.

IV. *AND to the End,* that neither the Lords Proprietors, nor any of the Inhabitants of this Province, may receive Damage for Want of an Escheator; *Be it Enacted, by the Authority aforesaid,* That as often as it shall happen that no Person is appointed Escheator-General by the Lords Proprietors, some Person, of known Ability and Integrity, shall be commissioned Escheator-General by the Governor, Deputy-Governor, President, or Commander in Chief for the Time being, by and with the Advice and Consent of Three or more of the Lords Proprietors Deputies, with Power to commissionate one or more Deputy or Deputies; and all Inquisitions that shall be taken as Escheator not commissioned as aforesaid, or without a Writ of Escheat first obtained, such Inquisition shall be null and void, to all Intents and Purposes.

Escheator-General how to be appointed.

Inquisitions taken by unlawful Escheator, void.

V. *AND*

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Escheator to give Notice 30 Days before he executes any Writ, under Penalty of 50 l.

Inquisitions to be taken publickly in Court.

Evidence to be given in Presence of Escheator, under Penalty of 50 l.

Inquisitions to be return'd to the Secretary's Office within 20 Days.

Heir not appearing in 7 Years, barred for ever.

V. *AND be it further Enacted*, That the Escheator-General, or his Deputy or Deputies, before he or they shall execute any Writ of Escheat, shall give public Notice Thirty Days before, by setting up a Note at the Court-house Door of the Precinct where the Land shall lie, of the Time when he will execute the said Writ, to the End that all Persons concerned may have Knowledge thereof; upon the Penalty of Fifty Pounds, to be paid to the Party grieved; to be recovered, by Action of Debt, in the General Court of this Government; wherein no Essoign or Wager of Law shall be allowed: And all Inquisitions shall be taken openly and publickly in the Court-house of the Precinct or County where the Land to be inquired after shall lie, by the most ancient indifferent Freeholders of the same Precinct and County. And the Escheator-General, and every of his Deputies, shall suffer every Person to give Evidence openly in their Presence to the Jury, upon such Inquisitions as shall be taken before him or any of them, upon the like Penalty of Fifty Pounds, to the Person so grieved; to be recovered in Manner aforesaid: And all such Inquisitions shall be returned into the Secretary's Office within Twenty Days, at farthest, after they are taken; and if no Person shall prove himself Heir to such Land as have been found to escheat in Manner aforesaid, or any Time in Seven Years after the Date of the said Inquisition, such Person, and his Heirs, are and shall be for ever barred and excluded from having or suing for the said Lands.

C H A P. XXXI.

Provided for by Statutes inforc'd in this Province, by Act, Oct. 16, 1749, Chap 1.

An Act, for the more effectual observing of the Queen's Peace, and Establishing a good and lasting Foundation of Government in North-Carolina.

C H A P. XXXII.

Rep. by Navigation Act, March 6, 1738, Ch. 4.

An Act, for settling and maintaining Pilots at Roanoke and Ocacock Inlets.

C H A P. XXXIII.

An Act, to regulate divers Abuses in the taking up of Lands, and to ascertain the Method to be observed, from henceforth, in taking up and Surveying Lands.

Preamble.

I. **W**HEREAS of late Years, great Inconveniences have arisen by Means of the irregular Proceedings and Methods observed in entering and taking up Land, and by some Persons holding or pretending Right to large Tracts of Land; to the great Discouragement of Strangers coming in to inhabit among us, and to the great weakning of Places already settled and inhabited, as well as to the great Loss and Prejudice of the Lords Proprietors: For Prevention whereof for the future, and for the better regulating the Method of taking up Lands in Time to come;

II. *BE*

A. D. 1715.

II. *Be it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Little River, for the North-East Part of the said Province, and it is hereby Enacted by the Authority of the same,* That from and after the First Day of January next ensuing the Date hereof, no Surveyor-General, nor Deputy Surveyor, shall enter any Land for any Person after the Manner as has been of late Years observed; but that all Persons whatsoever that shall, from thenceforward, be minded to take up any Lands in this Government, shall, before he lays Claim thereto, take a Warrant from the Secretary's Office, directed to the Surveyor-General, or Deputy, as usual, mentioning the Quantity of Land by them intended to be taken up; which Warrant he shall deliver to the said Surveyor-General, or his Deputy, together with an Account where the Land lies which he intends to take up by that Warrant, which the Surveyor shall indorse upon the Back of the said Warrant, together with the Time of his Receipt thereof, and give a Copy of the said Indorsement to the said Person; for which it shall be lawful for him to demand and receive the usual Fee of Entry and Copy; and shall, within Eight Months next after such Receipt, survey and make Return of the said Land, with the Warrant, as is usual, unless he shall give sufficient Reason, upon his Oath, for not doing the same; provided always, that he hath no Warrant before lodged in his Hands for the same Land; and provided also, that if Occasion be, the Surveyor shall be impowered to hire Chain-Carriers and Markers for his Assistance in laying out of any Lands, and shall charge the same to the Owner of such Land.

Method to be observed in taking up and surveying Lands.

III. *AND be it further Enacted, by the Authority aforesaid,* That the Surveyor-General, and his Deputy, shall observe, in surveying and laying out of all Lands to be taken up from henceforward, that lies on a navigable River or Creek, that he shall run a full Mile on a direct Course into the Woods, and each opposite Line shall run parallel with the other, if it can be admitted, for other Peoples Lines, or Rivers or Creeks; and for all Lands taken up wholly in the Woods, the Survey shall be upon a Square, if it can be admitted, as aforesaid.

Lands lying on Rivers or Creeks how to be surveyed.

If in the Woods, to be laid out square.

IV. *AND be it further Enacted, by the Authority aforesaid,* That no Surveyor, or Deputy-Surveyor, from and after the Time aforesaid, shall survey or lay out more than Six Hundred and Forty Acres of Land in one Tract, nor shall survey or lay out Two several Tracts of Land for any one Person within Two Miles, at least, of each other; unless by particular Warrant from the Lords Proprietors for that Purpose.

Surveyor not to lay out more than 640 Acres in one Tract, nor two Tracts for one Person within two Miles.

V. *AND be it further Enacted, by the Authority aforesaid,* That any Surveyor, or Deputy Surveyor, that shall presume to survey or lay out any Lands contrary to the Directions, Purport, and Meaning of this Act, shall, for every Offence, forfeit and pay the Sum of Ten Pounds; one Half to the Public Treasury, and the other Half to him or them that shall sue for the same: To be recovered in the General Court of this Province; wherein no Effoign, Protection, or Wager of Law, shall be allowed.

Surveyor laying out Lands contrary to this Act, to forfeit 10 l.

VI. *AND forasmuch as the Lords Proprietors do sustain great Damages, and the Country in general lies unfettled, by Reason of many Persons holding or pretending Right to large Tracts of Land in this Government, without any other Title thereto than a bare Entry or Survey: Be it Enacted, by the Authority aforesaid,* That all or any Person or Persons whatsoever, who do now hold or pretend any Right to any Lands within this Government, by Virtue of any Survey or Purchase, as aforesaid, made before the Fourteenth Day of April last past, and do not pay, or secure to be paid, the Purchase-Money thereof to the Lords

No Person to hold Land till Purchase-Money paid, and Patent granted.

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Lands taken up since April 14, for which the Purchase-Money shall not be paid within 6 Months, forfeited, and any other Person may take up the same.

Proprietors Receiver-General, on or before the Twenty Fifth Day of *December* next, pursuant to an Order of Council, dated the aforesaid Fourteenth Day of *April*, it shall and may be lawful for any Person or Persons to enter on the same Lands, and have Patents therefor upon the old Surveys; provided he or they so entering, shall pay, or secure to be paid, to the said Receiver-General, the Purchase-Money and Quit-Rents which should have been paid by the Person that shall so lapse the same, and also the Sum of Ten Shillings to the Surveyor-General, for altering the Certificate; which Patent, when so obtained, shall be deemed and adjudged good and valid, to all Intents and Purposes; any Law, Custom, or Usage, to the contrary, notwithstanding: And further, all Persons that do pretend any Right to any Lands taken up on Pretence of Purchase, as aforesaid, since the Fourteenth Day of *April*; or that shall, from henceforward, take up and survey any Lands on Pretence of Purchase, and do not pay, or secure to be paid, the Purchase-Money thereof to the Receiver-General for the Time being, within Six Months after the Date of such Survey, such Person or Persons shall forfeit their Right thereto; and it shall and may be lawful for any other Person or Persons to take out a Warrant for such Lands, and proceed thereon as is before directed in this Act, for taking up vacant Lands.

No Person, after Jan. 1, to sell his Right to Land before Purchase-Money paid, and Patent granted.

VII. *AND be it further Enacted, by the Authority aforesaid*, That from and after the aforesaid First Day of *January* next, no Person shall sell or alienate his Right to any Land, until he has paid the Purchase-Money thereof, and has obtained a Patent and Grant for the same; but such Sale, Assignment, or Conveyance, shall be deemed, construed, and taken, to be invalid and of none Effect: And such Land shall be free and clear for any other Person to take up, observing the Rules in this Act before specified for taking up vacant Lands.

Where such Right belongs to Orphans, unable to patent it, Guardian, &c., may sell it.

VIII. *PROVIDED always nevertheless*, That where the Right of Land heretofore surveyed on Pretence of Purchase aforesaid, belongs to any Orphan or Orphans that are not able or capable to Patent the same, for Want of Personal Estate, within the Time before limited in this Act, it shall and may be lawful for the Guardian or Guardians, Trustee or Trustees of such Orphan or Orphans, or Administrator of the Intestate's Estate, to sell and dispose of all or such Part of such Right, as aforesaid, by Public Sale, to the best Advantage they can for the Intestate's Estate; any Thing in the said Act to the contrary, notwithstanding: And in Case any Guardian, Trustee, or Administrator, shall neglect or refuse to make Sale of such Land as aforesaid, within Six Months, the Orphans Courts are hereby impowered and required to call such Guardian, Trustee, or Administrator, to Account; and if they cannot find Personal Estate sufficient in their Hands to purchase such Lands, as aforesaid, then they, the said Court, shall make such Sale, and to such Uses as above said.

In Case of Refusal, Orphans Courts to sell such Right.

IX. *AND* whereas many of the present Inhabitants of *Bath* County, by Reason of the Calamities befallen them during the late Wars with the *Indians*, are rendered incapable of making present Payment for the Purchase of such Lands as now are, or have been, actually held, settled, and improved by them, and from whence they have been lately driven by the Enemy: *Be it Enacted*, that a further Time be granted to such Persons for paying the Purchase of such Lands, upon giving such Security to the Lords Proprietors Receiver-General, as shall be by him approved of, within Six Months after the Ratification of this Act: Any Thing herein before contained to the contrary thereof, in any-wise, notwithstanding.

Inhabitants of Bath County allowed longer Time to pay Purchase-Money upon giving Security.

C H A P. XXXIV.

An Act, for Entring of Vessels, and to prevent the Exportation of Debtors.

I. **B**E it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly now met at Little River, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That the Master of every Ship or Vessel coming into this Government, shall, within Four Days next after his Arrival, and before he trade or land any Goods, (living Creatures only excepted,) enter into Bond in the Naval-Office, with one sufficient Freeholder or well known Merchant, in the Sum of Five Hundred Pounds, with Condition, That the said Master shall not carry off any Person out of this Province without a Ticket first had and obtained from the Naval-Officer, and signed by the Governor or Commander in Chief for the Time being, (Persons coming into this Province in the same Vessel, Women whose Husbands are resident in the Country, Persons under Age, and Sailors who have not resided in the Government above Two Months, excepted,) nor shall depart himself without Leave; under the Penalty of Fifty Pounds; One Third to the Lords Proprietors, One Third to the Governor or Commander in Chief, and the other Third to the Informer.

Master of Vessel to give Bond to the Nava Officer, within 4 Days after Arrival, in 500 l. Penalty, not to carry any Person out of the Country without a Ticket.

Persons excepted.

Nor depart himself without Leave.

II. *AND* be it further Enacted, by the Authority aforesaid, That the said Bond shall be taken in the Name of the Governor or Commander in Chief for the Time being, payable to himself, his Successors or Assigns, but shall be to the only Use of, and in Trust for, such Person or Persons as shall appear to be injured by the said Master's Non-Performance of the Condition above expressed; and shall be assigned to any Person or Persons so injured petitioning for the same, who shall and may maintain an Action thereon.

Bond to be given in the Name of the Governor, in Trust for the Party injur'd.

III. *PROVIDED* always, and it is hereby further Enacted, That if the said Bond or Bonds shall not be sued within Two Years after the Date thereof, then the same shall be null and void to all Intents and Purposes whatsoever, as if the same had never been made; any Thing herein before contained to the contrary notwithstanding.

Bond not sued in 2 Years, void.

IV. *AND* be it further Enacted, by the Authority aforesaid, That no Ticket shall hereafter be granted to any Person intending to export his or herself out of this Government, (except as before excepted,) until sufficient Security be first given to the Naval-Officer, for the Payment of all such Debts as the Party so intending to depart shall be chargeable with, and for which Actions shall be commenced within Four Months next after such Security given; or until Certificate be first made to the Naval-Officer, by the Clerk of the Precinct Court where the Party shall reside, that he hath published his Intentions to depart the Government, by affixing a Note to the Court-house Door, publickly to be read by all Persons, during the Sitting and Continuance of the Two Courts next preceeding such Certificate, without being under written, or any Demand made to hinder his or her Departure.

Ticket not to be granted 'til Security given for Payment of the Party's Debts.

Or until Certificate produc'd of his publishing his Intention to depart.

V. *AND* be it further Enacted, That on Default of so doing, the Naval-Officer shall be liable to satisfy the Creditors of all such Persons who shall depart the Government by Ticket from that Office; provided Actions for the same be entered within Four Months after the Date of such Ticket so obtained; without Security given, or Certificate had and received from the Clerk of some Precinct Court, as before mentioned.

Naval Officer not complying with this Act, liable for the Party's Debts, if Actions brought within 4 Months.

A. D. 1715.

C H A P. XXXV.

Rep. by Act, A. *An Act, for raising a Public Magazine of Ammunition, upon the Tonnage*
 April 6, 1748.
 Chap. 10. *of all Vessels trading to this Government.*

C H A P. XXXVI.

An Act, concerning Roads and Ferries.

I. **B**E it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Little River, for the North East Part of the said Province, and by the Authority of the same, it is hereby Enacted, That all Roads and Ferries in this Government, already laid out or appointed, by Virtue of any Act or Ordinance of Assembly heretofore made or declared, or by Virtue of any Order of Court grounded thereon, which are or ought to be now in Use, shall be, and are hereby declared to be Public Roads and Ferries: And all Persons whatsoever that ought, or which have been accustomed or used to work on any such Roads and Bridges, which have been made and laid out pursuant to any Act or Ordinance of Assembly, or Order of Court grounded thereon, shall continue to work on the same, or to keep the same in Repair, as they should or ought to have done, by Virtue of such Act or Ordinance of Assembly, or Order of Court conformable thereto.

All Roads and Ferries heretofore laid out and appointed by Act, and now in Use, declared Public.

Persons used to work on Roads, to keep the same in Repair.

Precinct Courts to appoint Ferries, and order Roads to be laid out.

II. *AND* be it further Enacted, by the Authority aforesaid, That from Time to Time, and at all Times hereafter, the Court of each Precinct shall have full Power and Authority to appoint and settle Ferries, and to order the laying out new Roads where Roads are not already appointed or used, and to appoint where Bridges shall be made, for the Use and Ease of the Precinct; so as not to alter old Roads, to the Prejudice of any Person, without the Leave and License of such Person had and obtained.

Roads to be laid out by a Jury of 12 Men, on Oath.

III. *AND* be it further Enacted, by the Authority aforesaid, That all Roads hereafter to be laid out, shall be laid out by a Jury of Twelve Men, appointed by the Precinct Court; which Jury shall first take an Oath, to lay out the same to the greatest Ease and Conveniency of the Inhabitants, and as little as may be to the Prejudice of any private Man: And the Damages which shall be sustained by any private Person in laying out such Road, shall be ascertained by the same Jury who shall lay out such Road, on Oath; to be equally levied and collected, by the Surveyor of such Road, on the Tithables which ought to work on the same, and by him paid to the Party injured.

Damages sustained by laying out such Road, to be ascertained by the Jury, and levied on the Tithables.

No Person to keep Ferry within 10 Miles of a Public one, on Penalty of 10 s. for every Man, &c. so ferried.

IV. *AND* be it further Enacted, by the Authority aforesaid, That if any Person or Persons, after the Ratification of this Act, shall pretend to keep any Ferry, or to transport any Person or Persons, or their Horses or Cattle, for Pay, within Ten Miles of any Ferry which is already, or hereafter shall be appointed, such Person or Persons so pretending to keep Ferry, or transporting any Person or Persons, or their Horses or Cattle, shall forfeit and pay the Sum of Ten Shillings for every Man or Beast so transported or ferried, to the next adjacent Ferryman: To be recovered by Warrant from any Justice of the Peace, upon full Proof thereof made before him.

A. D. 1715.

V. *PROVIDED* always, That all such Persons who shall hereafter undertake to keep any Public Ferry by Appointment, and do not provide good and sufficient Boats, and keep the same in good and sufficient Repair, and well and sufficiently attended, for the Passage of all Travellers, shall forfeit and pay Ten Pounds for every Neglect; one Half to the Informer, and the other Half for and towards the contingent Charges of the Government: To be recovered, by Bill, Plaint, or Information, in the General Court of this Province; wherein no Essoign, Protection, or Wager of Law, shall be allowed.

Ferry-keepers to provide good Boats, and keep the same well attended, on Penalty of 10l.

VI. *AND* be it further Enacted, by the Authority aforesaid, That all Public Roads already laid out or now in Use, or which hereafter shall be laid out, shall be cleared of and from all Trees and Brush, at least Ten Feet wide, and such Limbs of Trees as may incommode Horsemen, cut away; all Bridges or Causeways made, or to be made over Swamps, or small Runs of Water, the Pieces wherewith the same shall be made, shall be laid across the Road, and at least Ten Feet long, well secured and made fast, and covered with Earth; and all Bridges over deep and navigable Streams, shall be made at least Ten Feet wide, with sufficient and strong Pieces, at least Three Inches thick, with firm and strong Posts and Bearers, well secured and fastened.

Public Roads to be cleared 10 Feet wide.

Bridges and Causeways, how to be made.

VII. *AND* be it further Enacted, by the Authority aforesaid, That the Precinct Courts shall, Annually, appoint Surveyors of the Highways or Roads, who are, by this Act, obliged to summon all Male Tithables within their Divisions and Limits, or such as have been used and accustomed to work on such Roads and Bridges, to meet at a Place and Time to be appointed sometime in the Months of April and September, Yearly, to clear all Roads, and make, clear, and repair all Bridges, within their Limits or Divisions; and also at any other Time of the Year, if Occasion shall require: And whosoever shall, upon such Summons, refuse or neglect to appear, or to do and perform their Parts and Duties therein, the Surveyor shall cause them to be summoned to appear before the next Magistrate, where, if he or they cannot shew a reasonable Cause for his or their Default, he or they shall be fined Five Shillings for every Day's Neglect; to be levied, by Order of the aforesaid Magistrate, by the Surveyor, and laid out in hiring Men in the Room and Stead of those neglecting: But if it shall happen that those Persons who meet in Obedience to this Act, shall perform the whole Work that shall be necessary to be done at that Time, then all the Forfeitures shall be equally divided among those who finished the Work as aforesaid.

Precinct Courts to appoint Surveyors, who are to summon Tithables to work on the Roads.

Persons neglecting to appear when summoned, to forfeit 5s. for every Days Neglect; to be applied in hiring Men in the Room of those neglecting: Or given to the Tithables who finish the Work.

VIII. *AND* be it further Enacted, by the Authority aforesaid, That where the making of Bridges or Causeways shall not be judged proper to be performed by the whole Company working together, it shall and may be lawful for the Surveyor, with One Third of the Company that shall be obliged to work thereon, to agree with any Person or Persons for performing the same; and the Surveyor is hereby empowered, after the Work is finished, to levy the same equally and indifferently, by the Poll, on all such as are obliged to work thereon, and to make Distress, in Case of Refusal or Non-Payment.

Surveyor, with one Third of the Company, may agree with Persons to make Bridges or Causeways, and to levy the same on the whole Company.

IX. *AND* be it further Enacted, by the Authority aforesaid, That all Surveyors of Roads which shall neglect or refuse to do their Duty as is by this Act directed, or who shall not keep the Roads and Bridges clear and in Repair, or let them remain uncleared or out of Repair, after Notice given thereof, for and during the Space of Ten Days, unless hindered by bad Weather, such Surveyor shall forfeit, for each and every such Offence, the Sum of Forty Shillings, over and above such Damages as may be sustained; One Half of the said Sum to be employed towards Repair of such Road, and the other Half to him or them that

Surveyors neglecting their Duty, to forfeit 40s. for every Neglect.

A. D. 1715.

will sue for the same: To be recovered, by Action of Debt, Bill, Plaint, or information, in any Court of Record within this Government; wherein no Essoign, Injunction, or Wager of Law, shall be allowed or admitted of.

Persons exempted
from working on
Roads.

X. *AND* be it further Enacted, by the Authority aforesaid, That no Member of the Council, or Assembly, or Justice of Peace, Coroner, Constable, or Minister of the Church of England, shall be compelled to work on any Roads or Bridges; neither shall any Freeholder be compelled to work himself, who shall send Three Persons, in one District, to work on any Road or Bridge: Any Thing contained in this Act to the contrary, in any-wise, notwithstanding.

C H A P. XXXVII.

An Act, to encourage the Building of Mills.

Surveyor shall lay
out 2 Acres for a
Water-Mill, and
half an Acre for
a Wind-Mill; to
be appraised, and
the Owner, for
the Consideration,
to make a
Conveyance.

On Condition
that the Person
build a Mill in 2
Years.

Owner of the
Land to have the
Preference.

No Person's Or-
chard or Garden
to be injur'd.

Persons may use
Timber from the
adjacent Lands,
paying for the
same.

All Mills built as
aforesaid deemed
Public, and to
grind in Turn for
all Persons.

I. **B**E it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little River, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That if any Person or Persons shall be desirous to build a Grift-Mill, either Wind-Mill or Water-Mill, within this Government, it shall be lawful for the Surveyor-General, or his Deputy, by a Warrant from the Precinct Court, to lay out, for such Person or Persons so desiring to build a Mill, Two Acres of Land for a Water-Mill, and Half an Acre for a Wind-Mill, in such Manner as for that Use shall be most convenient, upon or out of any Man's Land; which said Land shall be appraised by Four honest Men of the Neighbourhood, appointed by the Precinct Court, who shall make a true Return of their Appraisalment, upon Oath, to the same Precinct Court; and the Owner of the said Land, for the Consideration-Money by the said Appraisers appointed, shall be bound to make a Conveyance of such Land to him or them that shall build such Mill or Mills, their Heirs and Assigns, with Liberty of Ingress, Egress, and Regress, to and from the same, under this Condition, and express Limitation and Provision, That such Person or Persons to whom the said Land shall be conveyed, do erect, build, and finish, on the Land so conveyed, a substantial working Mill, within the Term of Two Years after the Date of the Conveyance; otherwise the said Conveyance to be void, and of none Effect.

II. *PROVIDED* always, That the Court shall first give the Owner of the Land Notice of the Motion of any Person to build a Mill on his Land; and if the Owner will give Security to build a substantial working Mill on any Part of his Land, then the Motion of such Person or Persons is to be rejected.

III. *PROVIDED* also, That in the laying out of the before-mentioned Two Acres, or half Acre, no Person's Garden or Orchard be injured thereby.

IV. *AND* be it further Enacted, by the Authority aforesaid, That whosoever shall build such Mill or Mills, shall have Liberty to make Use of any Timber for that Purpose on any Lands adjacent, making full Satisfaction to the Owner thereof, and to be appraised, as is aforesaid.

V. *AND* be it further Enacted, That all such Mills as are or shall be built as aforesaid, shall be deemed Public Mills, and the Owners thereof, or such as use and occupy the same, shall be obliged, as soon as their Turn come in Course, or as possibly they can, grind Wheat and Indian Corn for all such Persons as shall

shall require the same, and shall take Care that the same be forthcoming again to the Owner, on Demand, (the lawful Toll only excepted,) under the Penalty of double the Value; to be immediately levied by a Warrant from the next Justice of the Peace, and paid to the Party injured; which being well ground, without any Fraud or Deceit, they shall not have or exact any larger or greater Toll, than one Eighth Part of Wheat, and one Sixth Part of *Indian Corn*, under the Penalty and Forfeiture of Ten Times the Value of the Wheat or Corn so brought to the Mill; one Half to the Poor of the Parish, and the other Half to him or them that shall sue for the same: To be recovered, by Action of Debt, Bill, Plaint, or Information, in the Precinct Court; wherein no Injunction, or Wager of Law, shall be allowed or admitted of.

A. D. 1715.

Toll 1 8th of
Wheat, & 1 6th
of Corn.Penalty for tak-
ing larger Toll.

C H A P. XXXVIII.

An Act, to appoint Public Registers, and to direct the Method to be observed in Conveying Lands, Goods, and Chattels; and for preventing fraudulent Deeds and Mortgages.

I. **W**HEREAS His Excellency the *Palatine*, and the rest of the true and absolute Lords Proprietors, amongst other Privileges and Immunities, have given and granted to this their Province, to choose Public Registers: In Pursuance therefore to the said Grant, and for the better and more effectual Prevention of fraudulent Deeds, Alienations, and Mortgages;

Grant from Lords
Proprietors, to
choose Public
Registers.

II. *BE it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little River, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That it shall and may be lawful for all, or the major Part of the Inhabitants and Freemen of each Precinct, (who are qualified to vote in the Election of Burgesses,) to meet, the First Day of April next, at the usual Place for Election of Burgesses, then and there, by a Majority of Votes, to elect Three Freeholders, as Candidates for the said Office; of which said Candidates so to be elected, the Provost-Marshal of each Precinct, or his Deputy, (who are hereby required to attend such Elections,) shall, within Twenty Days after, make Return to the Governor or Commander in Chief for the Time being, under the Penalty of Five Pounds for every such Neglect; and the Governor or Commander in Chief, with the Advice of the Lords Proprietors Deputies, shall make Choice of one of such Candidates so elected as aforesaid, who, being commissioned under the Hand and Seal of the Governor or Commander in Chief, shall be thereby invested with the Office of Register of Deeds; and, until there be a Clerk of the Parish Church, of Births, Burials, and Marriages.*

Three Freehold-
ers to be elected.Provost-Marshal
to make Return
of such Election
to the Governor,
under Penalty of
5 l.Governor to
commissionate
one to be Regis-
ter.

III. *AND be it further Enacted, by the Authority aforesaid, That each and every Public Register so chosen and commissioned, shall, within Three Months after he shall enter upon his Office, give Bond, with Two good and sufficient Securities, to his Excellency the Palatine, and the Lords Proprietors, in the Sum of One Thousand Pounds, for the faithful Discharge of his Office; which Bond shall be given before the Justices of the Precinct whereof the Party shall be appointed Register, and recorded in the Office of the said Court, and also in the Secretary's Office, and the Original repositied in the Hands of the Governor or Commander in Chief: And whoever, after the said First Day of April, shall officiate in the said Office longer than Three Months without giving such Security*

Public Register
to give Bond in 3
Months, in 1000
Pounds, for faith-
ful Discharge of
his Office.
Bond to be given
in Precinct Court,
and recorded in
Precinct and Se-
cretary's Offi-
ces.
Original to be
left with the Go-
vernor.

rity

A. D. 1715.

Penalty for not giving Bond.

rity as aforesaid, he or they so offending, shall forfeit and pay the Sum of Twenty Pounds; one Half to the Informer, and the other Half to the Poor of the Parish or Precinct.

Proviso.

IV. *PROVIDED* always, That every Person or Persons who now act in the aforesaid Office within any Precinct of this Government, shall be and continue in the same until such Choice shall be made and confirmed as is before by this Act directed; when they, and every of them, are hereby required and commanded to deliver to the Public Register of their Precinct so elected and confirmed, all Papers and Records which shall be in their Custody, that do, of Right, belong and appertain to the said Office, under the Penalty of Fifty Pounds.

No Conveyance of Land, except Mortgage, good, unless acknowledged &c. and registred within 2 Months.

V. *AND* be it further Enacted, by the Authority aforesaid, That no Conveyance or Bill of Sale for Lands, (other than Mortgage,) in what Manner or Form soever drawn, shall be good and available in Law, unless the same shall be acknowledged by the Vendor, or proved by one or more Evidences, upon Oath, either before the Chief Justice for the Time being, or in the Court of the Precinct where the Land lieth, and registred by the Public Register of the Precinct where the Land lieth, within Twelve Months after the Date of the said Deed; and that all Deeds so done and executed, shall be valid, and pass Estates in Land, or Right to other Estate, without Livery of Seizin, Attornment, or other Ceremony in the Law whatsoever.

Deeds so executed to be valid.

Deeds already passed, for valuable Considerations, and registred within a Year, declared good.

VI. *PROVIDED* always, That all Deeds or Conveyances of Lands, Tenements, or Hereditaments, Goods or Chattels, which are already passed, and registred, or which shall be registred within one Year after the Ratification of this Act, for which a good and valuable Consideration has been actually and *bona fide* paid, shall be good and available in Law and Equity, to Purchasers, and their Heirs, against the Vendors, and their Heirs, and all others claiming by, from, or under them, in as full and ample Manner, to all Intents, Constructions, and Purposes, as if such Title had been made either by Fine, Common Recovery, Livery of Seisin, Attornment, or any other Ways used and practised within the Kingdom of *Great-Britain*.

Deeds made in Foreign Parts, & proved as before, or before the Chief Magistrate of any City, &c. or Governor of any Plantation, and attested under the Public Seal, and registred within a Year, to be good and valid.

VII. *AND* be it further Enacted, by the Authority aforesaid, That all Deeds and Conveyances of Land lying within this Government, made in Foreign Parts, which shall be remitted hither, and proved before the Chief Justice, or Court of the Precinct where the Land lieth, in Manner as before directed; or which shall be personally acknowledged or proved before the Chief Magistrate of any City, Town, or Corporation, within the King of *Great-Britain's* Dominions, and an Attestation thereof affixed thereto; or which shall be acknowledged or proved before the Governor or Commander in Chief of any his Majesty's Plantations, and attested under the Public Seal, and registred in the aforesaid Office of the Precinct where the Land lieth, within one Year after the Arrival of such Deeds; shall be good and valid in Law, to all Intents and Purposes, as if made and executed within this Government.

VIII. *AND* for the avoiding and abolishing of feigned, covinous, and fraudulent Feoffments, Gifts, Grants, Alienations, Conveyances, Bonds, Suits, Judgments, and Executions, as well of Lands and Tenements, as of Goods and Chattels, which of late have been, and still are devised and contrived, of Malice, Fraud, Covin, or Collusion, to the End, Purpose, and Intent, to delay, hinder, and defraud Creditors and others of their just and lawful Actions, Debts, and Accompts; *It is hereby further Enacted*, That all and every Feoffment, Gift, Grant, Alienation, Bargain, and Conveyance of Lands, Tenements, Hereditaments, Goods and Chattels, or of any of them, by Writing, or otherwise; and all

Feoffments, Gifts &c. made for

all and every Bond, Suit, Judgment, and Execution, at any Time had or made since the First Day of *January, Anno Domini 1714*, or at any Time hereafter to be had or made, to or for any Intent or Purpose last before declared and expressed, shall be, from henceforward, deemed and taken, (only as against that Person or Persons, his or their Heirs, Executors, Administrators, and Assigns, and every of them, whose Actions, Suits, Debts, Accompts, Damages, Penalties, and Forfeitures, shall release by such covinous or fraudulent Devices and Practices, as is aforesaid, or shall or might be, in any-wise, disturbed, hindered, delayed, or defrauded,) to be clearly and utterly void, frustrate, and of no Effect; any Pretence, Colour, feigned Consideration, expressing of Use, or any Matter or Thing to the contrary, notwithstanding.

A D 1715.
any fraudulent Intent, shall be good only against the Person making the same.

IX. *AND be it further Enacted, by the Authority aforesaid*, That all and every the Parties to such feigned, covinous, or fraudulent Feoffments, Gifts, Grants, Alienations, Bargain, Conveyance, Bonds, Suits, Judgments, Executions, or other Things before expressed, and being privy and knowing of the same, or any of them, which at any Time after the First Day of *August* next coming, shall, wittingly and willingly, put in Use, maintain, avow, justify, or defend the same, or any of them, as true, simple, and done, had, or made *bona fide*, and upon good Consideration; or shall alien or assign any the Lands, Tenements, Goods, or Things before-mentioned, to him or them conveyed, as is aforesaid, or any Part thereof; shall incur the Forfeiture of the real Value of the Lands and Tenements, Goods and Chattels; One Moiety thereof to the Lords Proprietors, and the other Moiety to the Party grieved, and intended to be defrauded thereby.

Parties to such fraudulent Deeds to forfeit the Value thereof.

X. *PROVIDED always, and be it further Enacted, by the Authority aforesaid*, That this Act, nor any Thing herein before contained, shall not extend or be construed to impeach, defeat, or make void any Conveyance or Assurance, Interest, Limitation of Use, or Uses, of, in, to, or out of any Lands or Tenements heretofore at any Time had or made, or hereafter to be *bona fide* made, upon and for good Considerations, to any Person or Persons whatsoever; any Thing before mentioned to the contrary, notwithstanding.

Not to make void any Conveyance *bona fide* made.

XI. *AND for the Prevention of Frauds by double Mortgages and Conveyances of Lands, Negroes, Goods, and Chattels; Be it further Enacted, by the Authority aforesaid*, That every Mortgage of Lands, Tenements, Goods, or Chattels, which shall be first registred in the Register's Office of the Precinct where the Land lieth, or of Goods and Chattels where the Mortgager liveth, shall be taken, deemed, judged, allowed of, and held to be the first Mortgage, and to be good, firm, substantial, and lawful, in all Courts of Justice within this Government; any former or other Mortgage of the same Lands, Goods, or Chattels, not before registred, notwithstanding; unless such prior Mortgage be registred within Fifty Days after the Date.

Mortgage first registred shall be deemed the first Mortgage.

Unless first Mortgage be registred in 50 Days.

XII. *PROVIDED always, and be it further Enacted, by the Authority aforesaid*, That in Case more than one Mortgage shall happen to be made and be in Force at one Time, of the same Lands and Tenements, Goods and Chattels, the several Mortgagees which have not registred their Mortgages, their Heirs, Executors, Administrators, or Assigns, shall have Power to redeem any Mortgage or Mortgages registred, upon paying the principal Debt, Interest, and Costs of Suit, to the prior Mortgagee or Mortgagees, their Heirs, Executors, Administrators, or Assigns: And as a Punishment for such intended Fraud or Covin, every Person or Persons which shall mortgage the same Lands, Tenements, Goods, or Chattels, a Second Time, a former Mortgage being in Force and not discharged, shall have no Power or Liberty of Redemption in Equity or otherwise.

If more Mortgages than one, such as have not registred, may redeem those that are, paying Principal, &c.

Persons making a 2d Mortgage, the 1st being in Force, to have no Relief in Equity.

A. D. 1715.

Not to bar Widow from Dower, who did not join in the Deed, &c.

XIII. *PROVIDED* also, That nothing in this Act contained shall be construed, deemed, or extended, to bar any Widow of any Mortgager of such Lands or Tenements, from her Right of Dower to the said Land, who did not legally join with her Husband in such Mortgage, or otherwise bar or exclude herself from such her Dower or Right.

First Mortgagee not registering his Title before a Second, to take no Advantage by his Purchase.

XIV. *AND* be it further Enacted, by the Authority aforesaid, That every prior Purchaser, or Mortgagee, of any Lands or Tenements, Goods or Chattels, which shall not, before the First Day of January, 1716, register his Title or Mortgage as aforesaid, if after that Time a Second Deed of Sale, Conveyance, or Mortgage, be registred before the Prior, such Person so neglecting shall take no Advantage or Benefit of such Purchase or Mortgage already signed and sealed.

Public Register, when there is no Parish Clerk, to register Births, Marriages, and Burials.

Persons neglecting to register, forfeit 1 s. per Month, to the Register; not to exceed 20 s.

XV. *AND* be it further Enacted, by the Authority aforesaid, That the Register aforesaid of every Precinct, when there is no Clerk of the Church in that Precinct, shall register all Births, Marriages, and Burials, within the Precinct whereof he is Register; and that every Master or Mistress of a Family who shall neglect to register the Birth or Death of any Person born or dying within his or her House or Plantation; and every married Man who shall neglect to remit to the said Register a Certificate of his Marriage, and cause the same to be registred, for longer than one Month; each Master or Mistress, or married Man, so neglecting, shall forfeit and pay, to the said Register, One Shilling per Month for every Month so neglected; provided the whole do not exceed Twenty Shillings.

Penalties how to be recovered,

XVI. *AND* be it further Enacted, by the Authority aforesaid, That all Penalties and Forfeitures in this Act mentioned, shall be recovered, by Bill, Complaint, or Information, in any Court of Record in this Government; wherein no Injunction, Protection, or Wager of Law, shall be allowed or admitted of.

C H A P. XXXIX.

Rep. by Act, April 4, 1741. Chap. 17.

An Act, concerning Weights and Measures.

C H A P. XL.

Staple Commodities Rated. O B S.

C H A P. XLI.

An Act, to ascertain the Time for Payment of Pork, Wheat, and Indian Corn. O B S.

A. D. 1715.

C H A P. XLII.

An Act, to ascertain the Gauge of Barrels, and to prevent Frauds in Pork, Beef, Pitch, and Tar.

I. **B**E it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly now met at Little River, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That from and after the Ratification of this Act, no Cooper or other Person whatsoever making Cask, shall expose to Sale any Barrels or half Barrels for the holding of Beef, Pork, Pitch, Tar, or Train Oil, but shall contain and hold Thirty One Gallons and a Half each Barrel, and Fifteen Gallons and Three Quarters each Half Barrel: And all Barrels and Half Barrels which shall be exposed to Sale, shall be made of Timber seasoned at least Six Months after the riving the Staves, not less than half an Inch thick when wrought, the Heading not less than Three Quarters of an Inch thick, and well dowelled; Twelve good substantial Hoops on each Cask, and the whole to be tight and workman-like: And every Cooper making Barrels, or half Barrels, or any other Person making the same, before they deliver or expose the same to Sale, shall set his or their proper Brand-Mark upon every Barrel or half Barrel; which Mark he or they shall cause to be recorded in the Office of the Precinct where he or they shall reside or dwell.

Barrels how much to hold, and how to be made.

Brand-Mark to be set thereon, and recorded.

II. *AND* be it further Enacted, by the Authority aforesaid, That every Cooper or other Person exposing to Sale any Cask not agreeable to the Directions of this Act, shall, for every Offence, forfeit the Sum of Six Shillings and Eight Pence, and the Cask or Barrel so deficient; and for not recording his or their Brand, the Sum of Twenty Shillings; One Half to the Churchwardens and Vestry, for the Use of the Parish, and the other Half to him or them that shall sue for the same, before any Justice of the Peace.

Cooper to forfeit 6 s. 8 d. for each Offence.

For not recording his Mark, 20 s.

III. *AND* be it further Enacted, by the Authority aforesaid, That upon Complaint made, upon Oath, or solemn Affirmation, by any Person or Persons, to any Justice of the Peace in this Government, That he hath received of any Person or Persons, any Beef, Pork, Pitch, Tar, or Train Oyl, that is not merchantable and good in its Kind; or is not in good and sufficient Cask, as is by this Law appointed; or that the Pork is deceitfully packed up, or contains more Heads than is by Law allowed, or that there is Boars Flesh mixed or packed therein, or that the Meat is not well saved or salted fit for Exportation; or that the Beef is mixed with Bulls Flesh, Shanks, Marrow-Bones, or Heads, or in anywise defective and not merchantable; such Justice, upon all or any of those Complaints, shall issue his Warrant, directed to Two reputable Freeholders, who shall view the same, and, upon their Oath, shall make Report thereof, and of the Damages, to the same Justice that issued his Warrant; and if the Complaint shall appear to be just, he shall immediately order double Damages to the Party injured, and the Value of such Pork, Beef, Pitch, Tar, or Oyl, shall be forfeited to the Churchwardens and Vestry, for the Use of the Parish where such Offender lived or resided.

Justice, on Complaint that the Pork, &c. is not merchantable, to issue his Warrant to 2 Freeholders to view the same, and if the Complaint be just, to order double Damages to the Party grieved, & the Value of the Pork, &c. for the Use of the Parish.

IV. *AND* be it further Enacted, by the Authority aforesaid, That all Forfeitures that shall become due by Virtue of this Act, shall be sued for within Ten Days after the receiving of such Cask, Beef, Pork, Pitch, Tar, or Train Oyl, and not after.

Forfeitures to be sued for in 10 Days.

A D 1715.

C H A P. XLIII.

Rep. by Act, A-
 pril 4, 1741.
 Chap. 8.

An Act, to appoint the Marking of Horses, Cattle, and Hogs, and to prevent Injuries being done by killing, mismarking, driving away, or destroying Peoples Stocks.

C H A P. XLIV.

See Act Nov. 27,
 1729, Chap. 5.

An Act, to appoint Toll-Books to be kept at or near Catherine's Creek, in Chowan Precinct, at the Head of Pequimons Precinct, and at the Mouth of the North-west River, in Currituck Precinct; and to prevent Persons from transporting or driving Horses, Cattle, or Hogs, to other Persons Lands.

I. **W** H E R E A S divers Persons, Inhabitants of *Virginia*, frequently coming into this Government to purchase Cattle or Hogs, it may be greatly feared they may drive away Cattle or Hogs which they have not purchased; and whereas divers Persons, as well Inhabitants of this Government as of *Virginia*, do very often drive, lead, or carry Horses, Cattle, or Hogs, to other Persons Lands, where they suppose is better Herbage or Mast than on that whereon they are Dwellers: For Prevention whereof;

Toll-Books to be kept.

All Cattle, &c. to be entered, on Penalty of such Cattle, &c. or 40 s.

II. *B E it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little River, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That there shall be, at Catherine's Creek, in Chowan Precinct, at the Head of Pequimon River, and at the Mouth of the North-west River, in Currituck Precinct, Persons appointed by the Governor or Commander in Chief for the Time being, to keep Toll-Books; and all Persons, whether Drivers, Purchasers, or Owners of Cattle or Hogs, shall be obliged to enter in the Toll-Book every Beast or Hog, with their Mark and Distinction, and of whom purchased: And that what Person soever shall drive Cattle or Hogs to Virginia, and shall neglect to enter the same in the respective Toll-Books, according to this Act, shall forfeit every such Beast or Hog which shall be so omitted as aforesaid; and if such Beast or Hog be not to be had, the Person so omitting shall forfeit and pay the Sum of Forty Shillings; to be recovered by a Warrant from the next Justice of the Peace.*

For entering every Beast, 2 d. and every Hog, 1 d.

III. *AND be it further Enacted, That every Purchaser, Owner, or Driver of Cattle and Hogs, shall pay, unto the Person so appointed to keep the said Toll-Book, Two Pence for every Beast, and One Penny for every Hog, which shall be so driven and entered in the said Toll-Book.*

No Person to drive Stock to range on other Peoples Land; nor no Person to give Liberty; on Penalty of 10 l.

IV. *AND be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever, either inhabiting in Virginia or this Government, shall, after the Ratification of this Act, presume to drive, lead, transport, or carry any Cattle, Horses, or Hogs, to range upon any Persons Lands, shall forfeit and pay the Sum of Ten Pounds: And that no Person or Persons whatsoever, inhabiting in this Government, shall give Leave to any other Person or Persons, either Inhabitant or Foreigner, to turn loose, drive, or put on his Land, any Horses, Cattle, or Hogs, under the like Penalty of Ten Pounds.*

V. *AND*

A. D. 1715.

V. *AND be it further Enacted, by the Authority aforesaid, That no Foreigner whatsoever, either by Consent or Permission of any other Person or Persons inhabiting in this Government, or otherwise, shall presume or offer to drive, lead, or bring into this Government, any Stocks of Cattle, Hogs, or Horses, with Intention to Winter them here, or to destroy the Herbage or Mast; under the Penalty of Twenty Pounds: And it is hereby meant and intended, and so shall be understood and taken, that no Person shall be deemed an Inhabitant that holds Lands by Entry, Survey, or Patent, but such as actually and constantly reside on such Lands, or keep the same always tenanted, cultivated and improved.*

No Person to bring Stock into this Province to Winter, on Penalty of 20l.

None to be deemed Inhabitants who do not reside on their Lands, or keep them tenanted.

VI. *AND be it further Enacted, by the Authority aforesaid, That the Ranger of each Precinct or Division where such Offence shall be committed, or on his Default, the Keeper of the Toll-Book, is hereby appointed to make Distress of such Cattle, Hogs, or Horses, of any Person or Persons offending; the one Half of which Fine or Forfeiture shall be to the Ranger, or Keeper of the Toll-Book, whichever shall make the Distress, and the other Half to the Churchwardens and Vestry, for the Use of the Parish where the Offence shall be committed.*

Ranger, &c. to make Distress.

VII. *AND be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures in this Act mentioned, and not herein and hereby expressly and particularly mentioned to whom they shall be paid, and how to be recovered, shall be, one Half to the Churchwardens and Vestry, for the Use of the Parish where the Offence shall be committed, and the other Half to him or them that shall sue for the same, in any Court of Record in this Government, by Bill, Complaint, or Information; wherein no Essoign, Protection, Wager of Law, or Injunction, shall be allowed or admitted of.*

Penalties how to be disposed, and how recovered.

C H A P. XLV.

What Fences are sufficient.

I. **B**E it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little River, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That every Planter shall make a sufficient Fence about his cleared Ground Five Feet high, and the End of every Rail not to be above Four Inches asunder, until the Fence be Three Feet high from the Ground; which, if any Person be deficient in, whatsoever Trespass or Damage such Person shall sustain, by Horses, Hogs, or Cattle, the Owner of such Horses, Hogs, or Cattle, shall not be liable to any Action of Trespass, or to make Satisfaction for such Injury.

Fences how to be made.

II. *AND be it further Enacted, That if any Person, whose Fence is insufficient, shall, with Guns, Dogs, or otherwise, unreasonably chase, worry, maim, or kill any Cattle, Hogs, or Horses, or cause the same to be done, such Person so offending shall make full Satisfaction, for such Damages or Injury, to the Owner of such Horses, Hogs, or Cattle, as he shall thereby sustain; to be recovered, by Action of Debt, in the Court of the Precinct wherein such Injury shall be committed, wherein the Testimony of one Witness shall be sufficient Proof; provided the Damages do amount to above the Value of Forty Shillings; but in Case the Damages be less than Forty Shillings, then the same shall be triable and determinable*

Persons not having lawful Fences, doing Mischief to Horses, to make good the same.

How to be recovered.

A. D. 1715.

Trespass where the Fence is sufficient, to be made good by the Owner of the Horse, &c.

nable by and before Justices of the Peace only, as by the Act, intituled, *An Act, for the Trial of small and mean Causes*, is directed: But in Case any Horse, Hogs, or Cattle, shall trespass upon any Persons Land whose Fence shall be sufficient, according to the Directions of this Act, which shall be determined by any Two sufficient Freeholders of the Neighbourhood, indifferently chosen, and sworn before some Magistrate; then the Owner of such Horses, Hogs, or Cattle, shall make full Satisfaction for the Trespass, to the Party injured; to be recovered in such Manner as is herein before by this Act directed.

Unruly Horses, &c. breaking in to fenced Ground to be kept up from March 10, to Nov. 10.

III. *AND be it further Enacted, by the Authority aforesaid*, That every Person whose Horse, Mare, or Gelding, shall break into any inclosed Grounds, fenced according to the Directions of this Act, such Person or Persons shall be bound to keep up such unruly Horse, Mare, or Gelding, from the Tenth Day of *March*, until the Tenth Day of *November*, Yearly; under the Penalty of paying double Damages, with Costs, to the Party injured, for the Second Offence or Trespass, and for the Third Offence, treble Damages; to be recovered as aforesaid.

C H A P. XLVI.

Rep. by Act, April 4, 1741. Chap. 24.

An Act, concerning Servants and Slaves.

C H A P. XLVII.

Private Burials prohibited.

Burial Places to be set apart.

Persons how to be buried. On Suspicion of Violence, Coroner to be informed. Persons refusing to come & view, to forfeit 5s.

I. **B**E it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Little River, for the North East Part of the said Province, and by the Authority of the same, it is hereby Enacted, That every Planter, Owner, Attorney, or Overseer of every settled Plantation in this Government, or that hereafter shall be settled, shall set apart a Burial Place, and Fence the same, for the interring all such Christian Persons, whether bond or free, that shall die on their Plantation; and that before the Interring, there shall be called at least Three or Four of the Neighbours to view the Corps: And if it appears to them that the Person came to his or her Death by any Violence or unlawful Means, Notice thereof shall be given forthwith to the Coroner of the Precinct, so that Proceedings may be had thereon according to Law: And in Case any of the Persons so called shall refuse to come and view, he or she so refusing shall forfeit and pay the Sum of Five Shillings; to be levied by a Warrant from the next Justice of the Peace, and paid to the Churchwardens, for the Use of the Poor of the said Parish.

Persons burying contrary to this Act, to forfeit 10l. unless the Deceased desired to be buried elsewhere, &c.

II. *AND be it further Enacted, by the Authority aforesaid*, That if any Person so dying shall be buried contrary to the true Intent and Meaning of this Act, the Person or Persons occasioning the same, shall forfeit and pay the Sum of Ten Pounds; One Third to the Informer, One Third to the Lords Proprietors, and the other Third to the Poor; to be recovered, by Bill, Plaint, or Information, in the General Court of this Government; wherein no Essoign, Protection, or Wager of Law, shall be allowed: Unless such Persons, in their Life-time, signified their Desire of being interred elsewhere; or unless the Person concerned in such Burial can make it appear, that so many of the Neighbourhood refused to come,

come, on Notice given them, to appear and view the Corps, or that he could not, without great Travel and Expence, or Damage to the Corps, keep it any longer.

A. D. 1715.

C H A P. XLVIII.

An Act, concerning Proving Wills, and granting Letters of Administration; and to prevent Frauds in the Management of Intestates Estates.

See Act Nov. 23,
1723, Chap. 10.

I. **B**E it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly now met at Little River, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That all Wills and Administrations heretofore proved and granted by the Council, General Court, Precinct Court, or by any Powers or Commissions heretofore granted by any Governor, Deputy-Governor, President and Council, to any particular Person or Persons, shall be deemed, adjudged, and taken to be good and effectual, to all Intents and Purposes whatsoever, as if proved before, or granted by, any Ordinary or other Ecclesiastical Judge or Person.

Wills, &c. heretofore proved before the Governor, &c. declared good.

II. *AND* be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Governor or Commander in Chief for the Time being, the General Court, or Precinct Court, to have Wills proved before them, and to grant Orders for Administration.

How Wills, &c. may be proved.

III. *PROVIDED* always, That the same be not repugnant to the Rules and Methods prescribed by this Act; and provided also, that the granting Letters Testamentary, or Letters of Administration, always excepted; which shall be always, from and after the Ratification of this Act, signed by the Governor or Commander in Chief for the Time being, and sealed with the Colony Seal, and only issuing out of the Secretary's Office, and counter-signed by the Secretary, or his Deputy.

Letters Testamentary, &c. how granted.

IV. *AND* be it further Enacted, by the Authority aforesaid, That no Person do presume to enter upon the Administration of any deceased Persons Estate, until they have obtained such Commission of Administration, or Letters Testamentary, signed by the Governor, under the Penalty of Fifty Pounds; One Half to the Informer, and the other Half to the Governor or Commander in Chief for the Time being: To be recovered, by Bill, Complaint, or Information, in the General Court of this Province; wherein no Essoign, Protection, or Wager of Law, shall be allowed or admitted of.

No Person to administer til Letters granted by the Governor, on Penalty of 50 l.

V. *AND* be it further Enacted, by the Authority aforesaid, That the Secretary or his Deputy, shall not affix the Colony Seal, or sub-sign any Letters Testamentary, without taking the Executor's Oath, for performing the Will of the Deceased; unless Certificate is made by a Justice of the Peace, that the same Oath is taken before him; or Letters of Administration, without the Administrator has taken the Oath of an Administrator, and has also given sufficient Bonds, with Two or more able Sureties, taken either before the Secretary, or the Justices of the Precinct Court, and returned into the Secretary's Office, (Respect being had to the Value of the Estate,) in the Name of the Governor or Commander in Chief for the Time being, with the Condition in Form and Manner following, *mutatis mutandis, viz.*

Secretary not to issue Letters Testamentary, til Executors are sworn; nor of Administration, til Administrators take the Oath, and give Bond.

A. D. 1715.

Condition of the
Bond.

THE CONDITION of this Obligation is such, That if the above bounden *A. B.* Administrator of all and singular the Goods and Chattels, Rights and Credits, of *C. D.* deceased, do make, or cause to be made, a true and perfect Inventory of all and singular the Goods and Chattels, Rights and Credits, of the said Deceased, which have, or shall come to the Hands, Possession, or Knowledge of him the said *A. B.* or into the Hands and Possession of any other Person or Persons for him, and the same so made do exhibit, or cause to be exhibited, into the Secretary's Office, and one attested Copy thereof to the Precinct Court where Orders for Administration passed, within Ninety Days after the Date of these Presents; and the same Goods, Chattels, and Credits, and all other the Goods, Chattels, and Credits of the said Deceased, at the Time of his Death, or which at any Time after shall come to the Hands or Possession of the said *A. B.* or into the Hands or Possession of any other Person or Persons for him, do well and truly administer according to Law; and further, do make, or cause to be made, a true and just Account of his said Administration, within one Year after the Date of these Presents, and all the rest and Residue of the said Goods, Chattels, and Credits, which shall be found remaining upon the said Administrator's Account, the same being first examined and allowed of by the Governor and Council, General Court, or Precinct Court, shall deliver and pay unto such Person or Persons, respectively, as the same shall be due unto, pursuant to the true Intent and Meaning of this Act; and if it shall appear that any Last Will and Testament was made by the Deceased, and, by the Executor or Executors therein named, do exhibit the same into Court, making Request to have it allowed and approved accordingly, if the said *A. B.* above bound, being thereunto required, do render and deliver the said Letters of Administration, (Approbation of such Testament being first had and made,) in the said Court; then this Obligation to be void, and of none Effect: Or else to remain in full Force and Virtue.

Bond to be assigned to the
Party injured.

Which Bonds are hereby Enacted and Declared to be good, to all Intents and Purposes, and pleadable in any Courts of Justice; and shall be transferred or assigned, by the Governor or Commander in Chief for the Time being, to any Person or Persons injured, who shall and may maintain an Action thereon.

Intestates Estates
how to be distributed.

VI. *AND be it further Enacted, by the Authority aforesaid,* That all and every Person and Persons to whom Administration shall be granted, shall distribute the Surplusage of such Estates in Manner following; that is to say, One Third Part of the said Surplusage to the Wife of the Intestate, and all the rest, by equal Portions, to and among the Children, in Case any of the said Children be then dead, other than such Child or Children (not being Heir at Law,) who shall have any Estate by the Settlement of the Intestate, or shall be advanced by the Intestate, in his Life-time, by Portion or Portions, equal to the Share which shall, by such Distribution, be allotted to the other Children to whom such Distribution is to be made: And in Case any Child (other than the Heir at Law,) who shall have any Estate by Settlement from the said Intestate, or shall be advanced by the said Intestate, in his Life-time, by Portion, not equal to the Share which will be due to the other Children by such Distribution as aforesaid, (such Settlement or Advancement to be adjudged to the Value it was worth at the Time of the Settlement or Advancement,) then so much of the Surplusage of the Estate of such Intestate to be distributed to such Child or Children as shall have any Land by Settlement from the Intestate, or were advanced in the Life-time of the Intestate, as shall make the Estate of all the Children to be equal, as near as can be estimated; but the Heir at Law, notwithstanding any Land that he shall have by Discent, or otherwise, from the Intestate, is to have an equal Part in the Distribution with the rest of the Children, without any Consideration of the Value of Land which he hath by Discent, or otherwise, from the Intestate: And in Case there be

no

no Children, nor any legal Representatives of them, then One Moiety of the said Estate to be allotted to the Wife of the Intestate; the Residue of the said Estate to be distributed equally to every of the next of Kindred of the Intestate who are in equal Degree, and to those who legally represent them; provided that there be no Representatives admitted among Collaterals after Brothers and Sisters Children: And in Case there be no Wife, then all the said Estate to be distributed equally to and amongst the Children: And in Case there be no Child, then to the next of Kindred, in equal Degree, of or unto the Intestate, and their legal Representatives, as aforesaid; and in no other Manner whatsoever.

A. D. 1715.

VII. *AND be it further Enacted, by the Authority aforesaid, That no Executor or Administrator shall, hereafter, take, or hold himself, (according to the Value of Appraisment,) more of the Deceased's Estate, than amounts to his necessary Charges and Disbursements, and such Debts as he shall legally pay within Twelve Months after Administration granted; but that all such Estate so remaining, shall, immediately after the Expiration of Twelve Months, be equally and indifferently divided and paid to such Persons to whom the same is due by this Act, or the Will of the Deceased, such Person or Persons, or some other for them, giving good Security, that if any Debt or Debts truly owing by the Deceased, shall be afterwards sued for, and recovered, or otherwise duly made appear, that then, and in every such Case, he or they shall respectively refund and pay back to the Executor, or Administrator, his or her ratable Part of that Debt or Debts, with the Charges of the Executor, or Administrator, by Reason of such Debt or Debts, out of the Part or Share so as aforesaid allotted to him or her, thereby to enable the said Executor, or Administrator, to pay and satisfy the said Debt or Debts so discovered after Distribution made as aforesaid.*

Executors or Administrators, not to hold more of any Estate than the Charges, &c.

Estate to be divided in 12 Months.

Security to be given, to refund in Case of Debts.

VIII. *AND be it further Enacted, by the Authority aforesaid, That where any Person shall die Intestate, Administration shall be granted to the next of Kin to the Deceased, provided such Person make Claim for the same, in the Secretary's Office, or Precinct Court, before the next General Court following the Death of the Intestate, before which Time Administration shall not be granted to any Person; and for Want of such, to the greatest Creditor, proving his Debt, upon Oath, before the Governor or Commander in Chief for the Time being, the General, or Precinct Court: And in Case any pretending a Right to Administration, shall, before the next General Court following the Death of such Intestate, enter a Caveat, in the Secretary's Office, against any other Person's having Administration, the Secretary, or his Deputy, shall forbear to seal or counter-sign any Letters of Administration, till the Case in Controversy shall be heard and determined by the Governor or Commander in Chief, and Council, for the Time being.*

Administration to whom granted.

Persons pretending a Right to Administration, and entering a Caveat in the Secretary's Office, Administration not to be granted till the Case is determined before the Governor & Council.

IX. *AND be it further Enacted, by the Authority aforesaid, That Creditors of any Person deceased, shall make their Claim within Seven Years after the Death of such Debtor; otherwise such Creditor shall be for ever barred: And if it shall happen that any Sum or Sums of Money shall hereafter remain in the Hands of any Administrator, after the Term of Seven Years shall be expired, and not recovered by any of Kin to the Deceased, or by any Creditor in that Time; the same shall be paid to the Churchwardens and Vestry, to and for the Use of the Parish where the said Money shall remain.*

Creditors to make their Claim in 7 Years, or be barred.

Money left after 7 Years, to go to the Parish.

A. D. 1715.

C H A P. XLIX.

An Act, concerning Orphans.

I. BE it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly now met at Little River, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That from and after the Ratification of this Act, no Person or Persons whatsoever shall give or bind any Children or Orphans, nor shall any Person take or receive any Children or Orphans so given or bound, (unless the same be from the Parents,) without the Leave or Consent of the Precinct Court where such Children shall reside or dwell, under the Penalty of Twenty Pounds; One Half to be paid to and for the Use of such Child or Orphan, and the other Half to him or them that will sue for the same.

Children or Orphans not to be bound, but by the Court, or their Parents; on Penalty of 20 l.

Precinct Courts to grant Letters of Guardianship, and to take Security, or be liable for the Damage.

II. AND be it further Enacted, by the Authority aforesaid, That the Precinct Courts are hereby authorized and impowered, to grant Letters of Tuition or Guardianship to such Persons as they shall think proper, for the Care of bringing up and Education of all Orphans, and for the taking Care of their Estates; of all which Guardians so by them appointed, they shall take good Security, for the due Performance of their Office or Trust: And if the said Courts, or any of them, shall neglect to perform the Powers and Authorities by this Act given them, the Members of those Courts so neglecting their Duty, shall be liable to make good all Damages that shall happen, by such their Omission, to any Child or Orphan.

Orphans to be educated and maintained according to their Estate. Estate insufficient, to be bound out, but not to Quakers.

Estates not to be diminished.

III. AND be it further Enacted, by the Authority aforesaid, That all Orphans shall be educated and provided for, according to their Rank and Degree, out of the Income or Interest of their Estates and Stocks, if the same will be sufficient; otherwise such Orphan shall be bound Apprentice to some Handicraft Trade, (the Master or Mistress of such Orphan not being of the Profession of the People called *Quakers*,) until they shall come of Age; unless some of the Kin to such Orphan will undertake to maintain and educate him or them for the Interest or Income of his or her Estate, without Diminution of the Principal; which, whether the same be great or small, shall be always delivered to the Orphan when of Age.

Stock to be delivered to Orphans in Kind. Plate and Money by Weight and Quantity. Slaves, and their Increase, to be delivered. Household Goods to be sold.

IV. AND be it further Enacted, by the Authority aforesaid, That all Horses, Cattle, Sheep, and Hogs, shall be returned by the Guardian in the Kind received, and according to the Age and Number when they were received; and all Plate and Money shall be preserved and delivered in Kind, according to Weight and Quantity; and all Slaves, and their Increase, (Mortality excepted,) shall be delivered when the Orphan comes at Age: But all Household Goods and Lumber that may grow worse before the Orphan may come of Age, shall, by Order of Court, be sold at Public Sale, and the Money arising therefrom paid, by the Guardian, to the Orphan when at Age.

Widow, &c. bringing Suit, Defendant shall swear; if not, Judgment shall go against him for double the Sum due.

V. AND be it further Enacted, by the Authority aforesaid, That where any Widow or Orphan shall commence any Suit for Monies or other Legacies due to them by Force of any Will or other Gift, or due to them from any Intestate's Estate, the said Court shall administer an Oath to the Defendant or Defendants; and if he or they shall refuse to answer, upon Oath, the Court shall proceed to give Judgment for the Plaintiff, for double the Sum as shall be made appear to be due.

A. D. 1715.

C H A P. L.

An Act, to encourage the destroying of Vermin. E X P.

C H A P. LI.

An Act, to ascertain what Persons are Tithables, and to direct the Method to be observed in taking the Lists of them.

Rep. by Act, April 2, 1743. Chap. 2.

C H A P. LII.

An Act, for appointing a Town in the County of Bath, and for securing the Public Library belonging to St. Thomas's Parish, in Pamptico.

I. **W**HEREAS, at the Request of Mr. John Lawson, Mr. Joel Martin, and others, a certain Tract or Parcel of Land, purchased by them, lying on the Old Town Creek, in Pamptico, and containing, by Estimation, Sixty Acres, be the same more or less, being Part of a larger Tract then belonging to David Perkins, but now in the Possession, and of Right belonging, to Colonel Thomas Cary, and divided from thence by a Line of marked Trees from the Old Town Creek, to Mr. Barrow's Line, now also the Right and Possession of the said Cary, was Incorporated and made a Township, by an Act of the General Assembly, made and ratified, at the House of Captain John Hecklesfield, the Eighth Day of March, Anno Domini One Thousand Seven Hundred and Five, with divers Privileges and Immunities therein, and thereby invested in the said John Lawson, Joel Martin, and Nicholas Daw, to and for the Uses therein mentioned: To promote therefore the Settlement of the said Town, and for securing the Public Library of St. Thomas's Parish, in Pamptico;

Preamble.

II. *BE it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little River, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That the said Land be, and it is hereby henceforward invested in Mr. John Porter, Mr. Joel Martin, Mr. Thomas Harding, and Capt. John Drinkwater, or any Two of them, to and for the Uses aforesaid, and Declared, Confirmed, and Incorporated into a Township, by the Name of BATH-TOWN; with all Privileges and Immunities hereafter expressed, for ever.*

Land invested in Commissioners, by the Name of Bath-Town.

III. *PURSUANT to which, It is hereby Enacted, That convenient Places and Proportions of Land be laid out and preserved, for a Church, a Town-house, and a Market-place; and that the rest of the Land which is not already laid out, be forthwith laid out into Lots of Half an Acre each, with convenient Streets and Passages, by the said Trustees, or any Two of them.*

Ground set apart for a Church, Town-house, & Market-place.

IV. *AND be it further Enacted, by the Authority aforesaid, That every Person whatsoever, who is desirous to be an Inhabitant of the said Town, shall have Liberty to take up any Lot or Lots so laid out as aforesaid, and not before taken up; which Lot or Lots the Commissioners aforesaid, or any Two of them, are hereby directed, required, and impowered, to grant, convey, and acknowledge,*

Any Person may take up Lots,

to

A. D. 1715.
upon Payment of
30 s.

to the Persons so taking up the same, and to his Heirs and Assigns, for ever, in Fee-Simple, upon Payment of Thirty Shillings, Consideration-Money, for each Lot; out of which Money the first Purchasers shall be re-imburfed the first Purchase, with their reasonable Charges and Disbursements, and the Overplus shall be appropriated to the Use of the Church, to be disposed of as by the Vestry of the Precinct of *Beaufort* shall, from Time to Time, be directed and appointed.

Persons taking up
Lots, to build a
House thereon in
12 Months.

V. *PROVIDED* always, That what Person soever shall take up, and have conveyed to him, any Lot or Lots as afore-mentioned, and shall not build, or cause to be built thereon, within Twelve Months after the Date of the said Conveyance, a good, substantial, habitable House, or make such Preparation for so doing as the Court of the Precinct, by View of any Two or more of the Justices, shall judge reasonable to secure the same, every such Conveyance shall be, and it is hereby declared void and of no Effect, as if the same had never been made; and the said Lot or Lots shall be free and clear for any other Person to take up and purchase.

No Hogs to run
at large, on Pe-
nalty of Forfeit-
ure to the Poor.

VI. *AND* be it further Enacted, by the Authority afore said, That from and after the First Day of *April* next, no Person or Persons whatsoever, Inhabitant, or claiming any Right or Title to any Lots in the said Town, shall keep, raise, or permit or suffer to run at large in the said Town, any Hogs or Shoats, under the Penalty of forfeiting the said Hog or Shoat; One Half to the Person taking up such Hog or Shoat, and the other Half to the Poor of the Parish: And that no Person, Inhabitant of the said Town, or holding Lots there, shall inclose the same, or keep the same inclosed, under a common Stake Fence; but every Lot or Lots inclosed, shall be either paled in, or done with Posts and Rails.

Lots how to be
inclosed.

Commissioners to
remove Nufances.

VII. *AND* be it further Enacted, by the Authority afore said, That the Commissioners afore said, or any Two of them, have full Power and Authority, and they are hereby impowered and required, to remove all Nufances within the Limits of the afore said Town.

VIII. *AND* because in the former Survey of the Lots that are already survey- ed, each Lot contains Four Pole more than was warranted by the Act of Assem- bly, for laying out the afore said Land, and the Trustees for granting the afore- said Lots having signed Sales for the Lands lying before the Fronts of the Lots, contrary to the Authority granted them; wherefore, that the same may be regu- lated, and a Plat thereof made, so as the Streets in the said Town may answer with the Lots intended to be laid out of the Land belonging to Col. *Thomas Cary*, adjoining thereto,

Re-survey to be
made.

IX. *BE* it Enacted, That a Re-survey be made of the afore said Town Land, by Order of the Commissioners afore-mentioned, and that each and every Person holding Lands or Lots in the Town afore said, shall have no more in their Lots than just Half an Acre, pursuant to the first Intention and Design of settling the afore said Town; still reserving to the Owners or Possessors of all Lots in the afore said Town, the Land lying before the Front of their Lots, upon Payment of Ten Shillings for every Front, to the Commissioners in this Act appointed, who are hereby authorifed and required to grant, seal, and deliver Deeds of Sale for the same.

Owners of Front
Lots to have the
Fronts, for 10 s.

Principal Streets
to be 10 Feet
wide.

X. *PROVIDED* always, That the Principal Streets in the said Town shall be One Hundred Feet wide at least; and that no Person shall build or erect any Edifice, House, or Building, on the Lands lying before the Fronts, other than Cellars or Vaults, whose Covering shall not be above Ten Feet above the Ground, that the Prospect of such as build in the said Town may not be incommoded or hindered.

XI. *AND*

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XI. *AND be it further Enacted, by the Authority aforesaid,* That the Church for the Parish of *St. Thomas*, and the Court-house for the Precinct of *Beaufort* and *Hyde*, shall be built in the said Town, on the several Proportions or Lots of Land laid out for those Purposes; and that the Provost-Marshal of the County of *Bath*, and the Clerk of the Court for the Precinct of *Beaufort*, shall keep their respective Offices in the said Town, under the Penalty of Five Pounds for every Month he or they shall omit or neglect so to do; one Half to the Informer, and the other Half to the Justices of the said Court, towards the finishing or repairing the Court-house: To be recovered by Action of Debt, Bill, Plaint, or Information; wherein no Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

Church & Court-house to be built in the Town.

Provost-Marshal, and Clerk of the Court, to keep their Offices in Town, under Penalty of 5 l.

XII. *AND be it further Enacted, by the Authority aforesaid,* That the Justices of the Court aforesaid shall have full Power and Authority to levy, or cause to be levied, any Sum or Sums of Money, not exceeding One Hundred Pounds in the Whole, upon the Inhabitants or Estates in the Precinct aforesaid, for and towards the erecting and building the Court-house afore-mentioned; which the said Justices are hereby required to cause to be built and finished, as soon as the Circumstances of the Inhabitants will admit of raising the aforesaid Sum.

Justices to lay a Tax, not exceeding 100 l. for building a Court-house.

XIII. *AND as a further Encouragement to the Settlement of the said Town,* Be it Enacted, by the Authority aforesaid, That all Musters for the Precinct of *Beaufort*, Elections of Burgesses, and all Business and Affairs of the like Nature, which properly belongs to the said Precinct, shall be had, taken, done, and transacted within the said Town of *Bath*, and in no other Place or Places whatsoever.

Musters, &c. to be in Town.

XIV. *AND be it further Enacted, by the Authority aforesaid,* That all Liquors which are *bona fide* the Growth, Produce, and Manufacture of the County of *Bath*, shall and may be retailed in Town, for the Space of Ten Years next after the Ratification of this Act, by any Freeholder or Inhabitant of the said Town, without any License or other Permit for so doing; subject nevertheless to the several Penalties, Forfeitures, and Restrictions, as by the Law intituled, *Ordinary-Keepers how to sell*, are made and provided.

Liquors of the Growth of Bath County, may be retailed in Town without License, for 10 Years.

XV. *AND* whereas divers Persons possessed of Lots in the said Town do neglect clearing the same, and others do permit such as have been cleared to grow up with Brush and Under-wood, to the great Annoyance of the Inhabitants of the said Town:

XVI. *BE it Enacted, by the Authority aforesaid,* That all Persons, Possessors or Owners of Lots in the said Town, shall, and they are hereby obliged, within One Month after the Ratification of this Act, to clear all such Lots so held or possessed by them, from all Manner of Wood, Under-wood, Brush, or Grubs, that are or may be offensive to the Inhabitants of the said Town, and shall so keep the same, from Time to Time, and at all Times hereafter, as often as Need shall require; under the several Penalties and Forfeitures hereafter in this Act provided.

Owners of Lots to clear them, & keep them so.

XVII. *AND be it further Enacted, by the Authority aforesaid,* That all and every Proprietor, Owner, or Possessor of any Lot or Lots in the said Town, who shall omit to clear the same within the Time before limited, shall be liable and obliged to pay the full Value of the Charge of clearing the said Lots, to the Trustees or Commissioners aforesaid, who are hereby appointed, authorized, and impowered, to cause all such Lots to be cleared as shall, after the Time before limited, lie uncleared and neglected; the Value of which Work shall be adjudged by Two Freeholders, In-

Owners of Lots not clearing the same, to pay the Charge thereof.

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To be adjudged
by 2 Freeholders
of the Town.

habitants of the said Town, (being first sworn before some Magistrate,) and shall be recoverable in any Court of Record within this Government, or before Justices of the Peace, if under the Sum of Forty Shillings, as in the Act for small and mean Causes is provided, by Bill, Plaint, or Information; wherein no Effoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

Commissioner
dying, &c. how
to be re-placed.

XVIII. *AND be it further Enacted, by the Authority aforesaid,* That in Case of the Death, or Departure out of the Government, of any of the aforesaid Commissioners for the Town, at any Time hereafter, the remaining Part of the said Commissioners, together with the Justices of the Court, are hereby authorised and impowered to make Choice of some other Person or Persons to succeed such Commissioner so dying or departing as aforesaid; which Person or Persons so elected and chosen, shall, and they are hereby invested with as full Power and Authority, to all Intents and Purposes whatsoever, as the present Commissioners now in this Act nominated and appointed; that so the full Number of Commissioners may be always kept up and full.

XIX. *AND* whereas, at the Promotion of the Reverend Doctor *Thomas Bray*, a Library hath been sent over to *Bath-Town*, for the Use of the Inhabitants of the Parish of *St. Thomas*, in *Pamptico*; and it is justly feared that the Books belonging to the same will quickly be embezzled, damaged, or lost, except a Law be provided for the more effectual Preservation of the same:

Commissioners to
appoint a Librarian-keeper.

To be accountable for the same.

To give two Receipts; one to the Commissioners, the other to the Churchwardens.

If damaged, to answer double the Value.

To be employed towards perfecting the Library.

XX. *BE it therefore Enacted, by the Authority aforesaid,* That the said Library shall be, continue, and remain in the Hands, Custody, and Possession of a Library-keeper, to be elected, nominated, and appointed by the Commissioners hereafter by this Act appointed, or the major Part of them; which said Library-keeper is, and shall be hereby bound and obliged, to keep and preserve the several and respective Books therein, from Waste, Damage, Imbezzlement, and all other Destruction, (Fire, and all other unavoidable Accidents, only excepted,) and is and shall be hereby accountable for the same, and every Book thereof, to the Commissioners hereafter nominated; and to that End and Purpose, the said Library-keeper shall pass Two Receipts for the Library aforesaid, one to the Commissioners hereafter named, and the other to the Churchwardens of the said Parish for the Time being, in which Receipts the Title of each Book shall be inserted: And in Case all or any of the Books is or shall be found to be wasted, damaged, or embezzled, or otherwise destroyed, (except as before excepted,) the said Library-keeper, his Heirs, Executors, and Administrators, are and shall be hereby bound and obliged to answer double the Value of the same; and the said Commissioners are hereby impowered to sue for the same, in any Court of Record in this Province, by Bill, Plaint, or Information, or other Action; wherein no Effoign, Protection, Injunction, or Wager of Law, shall be allowed; and that what thereby shall be recovered, (reasonable Charges and Expences deducted,) to employ and dispose of towards the compleating and perfecting the aforesaid Library so wasted, endamaged, embezzled, or otherwise destroyed, within the Space of Twelve Months after such Recovery.

On Death, &c. of Library-keeper, Churchwardens to take Possession of the Library.

XXI. *AND be it further Enacted, by the Authority aforesaid,* That in Case of the Death or Removal of the said Library-keeper, the Churchwardens of *St. Thomas's* Parish shall immediately take into their Custody, Possession, and safe Keeping, all the Books belonging to the said Library, and shall be answerable for the same to the Commissioners hereafter in this Act nominated.

Churchwardens missing any Books, to give Notice to the

XXII. *AND be it further Enacted, by the Authority aforesaid,* That the Churchwardens of *St. Thomas's* Parish, in *Pamptico*, upon the receiving the Books belonging to the said Library, shall compare the same with the Catalogue and Receipt

ceipt for the same in their Custody; and if any of the Books are wanting or damaged, they shall give an Account thereof, in Twenty Days at farthest, to the Commissioners hereafter mentioned, who are impowered to sue the said Library-keeper, or in Case of his Death, his Executors or Administrators, for the same: And in Case the said Churchwardens refuse or neglect to give such Account, then the said Churchwardens, their Heirs, Executors, or Administrators, and every of them, are hereby made accountable to the Commissioners hereafter named for all the Books belonging to the said Library, and contained in the Catalogue thereof.

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Commissioners in
20 Days.

If not, to be answerable for the same.

XXIII. *AND be it further Enacted, by the Authority aforesaid,* That the said Commissioners, or any Five of them, within Twenty Days after such Notice given, shall forthwith proceed to the Election of another Library-keeper, to whose Custody and safe Keeping the said Library, and every Book therein contained, shall be forthwith delivered by the said Churchwardens, by Order of the said Commissioners; which said Library-keeper so elected, shall continue in the same Office, unless removed by the said Commissioners, or the major Part of them, (which they are, upon a just Occasion, hereby impowered to do,) or until the Settlement of a Minister in the said Parish; which said Minister or Incumbent shall, *ex officio*, be Library-keeper, and shall be answerable for the same to the Commissioners aforesaid, in Manner as is by this Act directed.

Commissioners to elect a Library-keeper, after 20 Days Notice.

Who may be removed.
Minister of the Parish to be Library-keeper.

XXIV. *PROVIDED always,* That the said Library shall not be removed out of *Bath-Town*, other than to the Incumbent's House; and not thither, without Liberty first had and obtained from the said Commissioners, or the major Part of them.

Library not to be removed out of Town.

XXV. *AND be it further Enacted, by the Authority aforesaid,* That the Inhabitants of *Beaufort* Precinct shall have Liberty to borrow any Book out of the said Library, giving a Receipt for the same to the Library-keeper for the Time being, with a Promise to return the said Book or Books, if a *Folio*, in Four Months Time; if a *Quarto*, in Two Months Time; if an *Octavo*, or under, in One Month's Time; upon Penalty of paying Three Times the Value of the said Book or Books so borrowed, in Case of Failure in returning the same: And the said Library-keeper is hereby obliged to enter such Receipt in a Book, to be fairly kept for that Purpose, and upon the Return of any Book or Books so lent, shall note it returned on the opposite Side or Column of the said Book, and not cross or blot the same: And in Case the Person that borrows any Book or Books out of the said Library, doth refuse to return the same, or doth damnify the said Book, upon Complaint thereof given by the said Library-keeper, his Executors or Administrators, to Two or more of the Commissioners, and by them, or any Five of them, to the Chief Justice of the Province for the Time being, or any Two Justices of the Peace, it shall be lawful, and the said Chief Justice, or any Two Justices, are hereby impowered and required, by Warrant of Distress, directed to any of the Constables of the said Precinct, to levy Three Times the Value of such Book or Books, on the Goods and Chattels of the Person so refusing to deliver, or damnifying the same; and for Want of such Distress, to commit the Person to Prison, till Satisfaction be made to the said Library-keeper.

Inhabitants may borrow Books, to be returned in a limited Time.

Borrower of Books not returning them, to forfeit three Times the Value.

XXVI. *AND be it further Enacted, by the Authority aforesaid,* That the Commissioners hereafter named, shall make, or cause to be made, several Catalogues of all and singular the Books in the said Library, and the same being fairly written, and signed by the said Commissioners, or some Five of them, One to be entered upon Record in the Secretary's Office of this Province, One to be in the Custody and for the Use of the Commissioners hereafter named, under which the Library-keeper shall sign a Receipt for the respective Books, One to be in the Custody

Commissioners to make Catalogues, and sign them.

Catalogues where to be lodged.

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Custody of the Churchwardens of St. *Thomas's* Parish for the Time being, under which the Library-keeper shall also sign a Receipt for the respective Books, and One to be fairly entered in a Book for that Purpose to be kept by the Library-keeper in the said Library; that so any Person may know what Books are contained therein.

Commissioners to
rate the Books.

XXVII. *AND be it further Enacted, by the Authority aforesaid,* That the Commissioners, or any Five of them, hereafter named, after making One exact Catalogue of all and singular the respective Books in the said Library, shall, and are hereby directed, to appraise and rate each Book, at a Price certain in the Current Money of this Province; which Appraisalment shall be an established Rule to determine the Value of the said Books, in Case any Suit is brought by the said Commissioners against any Person that shall detain or damnify any of the said Books, or against the Library-keeper, his Executors or Administrators.

Commissioners to
examine the Li-
brary once a Year.

XXVIII. *AND be it further Enacted, by the Authority aforesaid,* That the Commissioners hereafter named, or any Five of them, shall, every Year, on *Easter Monday* Yearly, resort to the House where the said Library shall be kept, and there examine the Books thereof by the Catalogue, and see that there be the full Number, and that they are not damaged or spoiled; and therefore the Library-keeper is hereby required, in lending any of the said Books out of the said Library, notwithstanding the Time usually allowed by this Act, to oblige the said Person to return such Books as they borrow to the said Library-keeper Ten Days before the said *Easter Monday*, Yearly, that so all and singular the Books belonging to the Library aforesaid, may be exposed to the View of the said Commissioners, the better to enable them to judge if they be any ways damaged or spoiled, and give their Order accordingly.

Commissioners
named and ap-
pointed.

XXIX. *AND be it further Enacted, by the Authority aforesaid,* That the Honourable *Charles Eden*, Esq; present Governor, and the Governor or Commander in Chief for the Time being, the Members of the Council for the Time being, *Christopher Gale*, Esq; Chief Justice, and the Chief Justice for the Time being, *Tobias Knight*, Esq; Secretary, and the Secretary for the Time being, Col. *Edward Moseley*, Speaker of this present Assembly, and the Speaker for the Time being, *Daniel Richardson*, Esq; Attorney-General, and the Attorney-General for the Time being, the Members of the Precinct Court for the Time being, Capt. *Frederick Jones*, Mr. *John Porter*, Mr. *Joel Martin*, Capt. *John Drinkwater*, Mr. *John Clark*, Mr. *Patrick Maule*, Mr. *Thomas Worsley*, Mr. *Lionel Reading*, Mr. *James Leigh*, and Mr. *Thomas Harding*, or any Five of them, are hereby nominated to be Commissioners and Trustees, for the due Inspection and Preservation of the Library aforesaid, and all and singular the respective Books to the same belonging; and they, or any Five of them, shall have Power to commence or bring any Suit or Action given by this Act.

In Case of Death
or Absence, the
rest of the Com-
missioners to ap-
point others.

XXX. *AND in Case of the Death or Absence of any of the Commissioners* who are by this Act particularly by Name before appointed, then the surviving Commissioners, or any Five of them, at their next Meeting after such Vacancy, are hereby fully authorized and impowered to make Choice of another, in the Place and Stead of him or them who shall be dead or absented; which said Commissioners so elected shall be invested with the same Authority, as if he had been before in this Act particularly named and appointed.

Commissioners to
call Persons who
have borrowed

XXXI. *AND be it further Enacted, by the Authority aforesaid,* That the Commissioners above named, or any Five of them, after having examined the Catalogue of Books, and discovered what are wanting, shall summons such Persons as have the said Books in their Custody, to deliver the same, within Twenty Days after
such

such Notice in Writing left with the Person, or at his usual Place of Abode; and in Case any Person shall fail or refuse to deliver the said respective Books to the said Commissioners, then the said Commissioners, or any Five of them, are hereby required, directed, and impowered, to take such Measure for the Recovery of the same, or treble the Value thereof, as is before by this Act prescribed.

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Books, to Account.

XXXII. *AND be it further Enacted, by the Authority aforesaid, That all Persons that have borrowed, or have in their Custody, any of the Books belonging to the Library aforesaid, shall, on or before the next Easter Monday, return the same to the present Library-keeper, under the Penalty of the Forfeiture of treble the Value of each Book not returned as aforesaid; the better to enable the Commissioners before named to make a perfect Catalogue of the Books belonging to the said Library.*

Persons who have Books, to return them before Easter Monday.

XXXIII. *AND be it further Enacted, by the Authority aforesaid, That for the further Encouragement of the Town of Bath, and all other Towns now or hereafter to be built within this Government, it shall and may be lawful for the Freeholders of the said Town of Bath, and of all other Towns now or hereafter to be built within this Government, at all Times hereafter when Representatives or Burgeses are to be chosen for the Precinct wherein the Town lies, to elect one Burgeses to represent the same in all succeeding Assemblies.*

All Towns to elect one Burgeses.

XXXIV. *PROVIDED always, That this Election for Members of Assembly to serve for the Town of Bath, or any other Town whatsoever, shall not begin or commence till such Town shall have at least Sixty Families.*

Proviso,

XXXV. *PROVIDED also, That nothing in this Act contained, shall be held or taken to limit or hinder the Inhabitants of Newbern from sending a Representative to the Assembly, being hereby allowed although there should not be Sixty Families inhabiting in the said Town.*

Proviso,

CHAP. LIII.

An Act, concerning Ordinary-keepers and Tippling-houses.

Rep. by Act, April 4, 1741. Chap. 20.

CHAP. LIV.

An Act, ascertaining the Currency of Dollars. OBS.

CHAP. LV.

An Act, ascertaining the Damage upon protested Bills of Exchange.

Rep. by Act, April 4, 1741. Chap. 16.

CHAP. LVI.

Publick Letters how to be conveyed. OBS.

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C H A P. LVII.

Rep. by Act,
April 4, 1741.
Chap. 13.*An Act, to prevent taking Boats, Canoes, and Pettiaguas, from Landings, without Leave.*

C H A P. LVIII.

Rep. by Act,
April 6, 1742.
Chap. 2.*An Act, to ascertain Officers Fees.*

C H A P. LIX.

An Act, for restraining the Indians from molesting or injuring the Inhabitants of this Government, and for securing to the Indians the Right and Property of their own Lands.

Preamble.

I. **W**HEREAS before the late War, daily and grievous Complaints of the Depredations and Insults of the *Indians* were exhibited against them, by divers Persons bordering upon, and residing near to the Habitations of the said *Indians*: For the Prevention of the like Disorders for the Time to come, and for the cultivating a better Understanding with the said *Indians*, the Want of which has been so injurious to the Government;

*Indians killing
Peoples Cattle,
&c. to be pu-
nished.*

II. *Be it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Little River, for the North-East Part of the said Province, and it is hereby Enacted by the Authority of the same, That whoever shall discover or find any Indian or Indians killing, hunting, or in Pursuit of any Horses, Cattle, or Hogs, the Right and Property whereof is in any white Man, inhabiting within this Government, every such Person or Persons, on Discovery or Sight thereof, may, and he is hereby impowered, to apprehend and seize every such Indian or Indians, and him or them so apprehended and taken, to convey before some one of the Commissioners to be appointed for Indian Affairs, and for want of such, before the next Magistrate; which said Commissioner or Magistrate, together with the Ruler or Head Man of the Town to which such Indian Delinquent may belong, is and are hereby impowered to punish every such Delinquent in such Manner as the Nature of the Offence may require, and to award Restitution to the Party injured for all Damages by him sustained; saving always the Right of Appeal to the Governor and Council, if either Party shall think themselves aggrieved or wronged thereby.*

Right to appeal.

*Differences be-
tween Indians &
white Men, how
to be determined.*

III. *AND be it further Enacted, by the Authority aforesaid, That if any Difference shall, for the future, arise between any white Man and Indian, concerning Trade, or otherwise howsoever, every such Difference shall be heard, tried, and determined by such Commissioners as the Governor or Commander in Chief for the Time being shall appoint, together with the Ruler or Head Man of the Town to which the Indian belongs; saving only the Right of Appeal, as is herein before saved and excepted.*

IV. *AND whereas there is great Reason to believe, that Disputes concerning Land has already been of fatal Consequence to the Peace and welfare of this Colony;*

lony; *Be it further Enacted, by the Authority aforesaid,* That no white Man shall, for any Consideration whatsoever, purchase or buy any Tract or Parcel of Land, claimed or actually in Possession of any *Indian*, without special Liberty for so doing from the Governor and Council first had and obtained, under the Penalty of Twenty Pounds for every Hundred Acres of Land so bargained for and purchased; one Half to the Informer, and the other Half to him or them that shall sue for the same: To be recovered, by Bill, Complaint, or Information, in any Court of Record within this Government; wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

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No Person to buy Lands of *Indians*, without Consent of Governor and Council.

V. *AND be it further Enacted, by the Authority aforesaid,* That whatever white Man shall defraud or take from any of the *Indians* his Goods, or shall beat, abuse, or injure his Person, each and every Person so offending, shall make full Satisfaction to the Party injured, and shall suffer such other Punishment as he should or ought to have done, had the Offence been committed to an *Englishman*.

White Men not to molest *Indians*.

C H A P. LX.

Publick Treasurers to give Account.

I. **F**OR Prevention of Frauds in the Management and Disposal of Public Monies;

II. *BE it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little River, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same,* That all Persons whatsoever within this Province, (be they of what Quality or Condition soever,) that formerly have been, now are, or hereafter shall be Treasurers, Collectors, or Receivers of Public Monies, now raised, or hereafter to be raised, by the Authority of the General Assembly, or who by any Ways or Means have, are, or shall, for the future, be possessed of the same, or any Part thereof, shall, from Time to Time, and at all Times hereafter, be accountable to the General Assembly, or to such Commissioners as shall or may be appointed by the Authority of the same, and to no other Person or Persons whatsoever.

All Persons concerned with Public Money, to account with the Assembly.

C H A P. LXI.

An Act, for a Town on Roanoke Island, for the Encouragement of Trade from Foreign Parts.

Rep. by Act, Nov. 23, 1723. Chap. 12.

C H A P. LXII.

An Act, for raising Corn, to satisfy the Debt due from this Government, to the Honourable Charles Craven, Esq; Governor of South-Carolina; and for the Subsistence of such Forces as shall be raised for the necessary Defence of the Frontiers of this Government. O B S.

A D. 1715.

C H A P. LXIII.

An Act, for raising the Sum of Two Thousand Pounds, Annually, till the Public Debts are answered and paid, for the better encouraging the Currency of the Public Bills of Credit. O B S.

C H A P. LXIV.

An Act, empowering Johanna Peterfon, Widow of Thomas Peterfon, late of Albemarle County, Esq; to make Sale of certain Lands, late belonging to the said Thomas Peterfon; and to make other Provision for Anna, the Daughter of the said Thomas Peterfon, to whom the said Lands do descend.

Private.

I. **W**HEREAS Thomas Peterfon, late of Albemarle County, Esq; died seised and possessed in his Demesne, of Fee, of, in, and to a certain Plantation or Tract of Land, lying in the Fork of *Queen Anne's Creek*, in *Chowan Precinct*, containing, by Estimation, Four Hundred Acres, be the same more or less, butted and bounding to the *Eastward* on the Town Land, and to the *Westward* on *Slocomb's Creek*; and also, of, in, and to one Half Acre or Lot of Land in *Bath-Town*, butting and bounding to the *Southward* on the Lot of Col. *Ilpher Gale*, and to the *Northward* on one of the Cross Streets; which said Plantation and Lot of Land, do descend unto *Anna*, an Infant, the Daughter of the said *Thomas*: And whereas *Johanna*, the Mother of the said *Anna*, by her Petition preferred to this Assembly, is very willing, for the Advancement of the said *Anna's* Portion, to relinquish her Right of Dower of, in, and to the said Lands and Lot, provided that the same Lands and Lot may be sold, to and for the Use, Benefit, and Interest of the said *Anna*, the said Lands and Lot now having considerable Improvements thereon, which makes them valuable; which otherwise will be very much impaired and ruined before the said *Anna* shall come of Age: Wherefore,

II. *BE it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little River, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That the said Johanna be, and she is hereby empowered, to bargain, sell, alien, enfeoff, and transfer the said Plantation or Tract of Land lying in the Fork of Queen Anne's Creek, in Chowan Precinct, containing, by Estimation, Four Hundred Acres, be the same more or less, butting and bounding to the Eastward on the Town Land, and to the Westward on Slocomb's Creek; also one Half Acre or Lot of Land in Bath-Town, butting and bounding to the Southward on the Lot of Col. Ilpher Gale, and to the Northward on one of the Cross Streets; or any Part or Parcel of the same, to any Person or Persons that shall be willing to give most Money for the same; to have and to hold the same to such Purchaser or Purchasers, his or their Heirs and Assigns, for ever.*

III. *AND for the better securing the Money arising by such Sale, to and for the Use, Benefit, and Interest of the said Anna, her Heirs and Assigns; It is hereby further Enacted, That immediately at and upon the Sale of the aforesaid Plantation or Tract of Land, and Lot, or any Part of the same, the said Anna shall stand and be seised in her Demesne, as of Fee, of, in, and to one certain Plantation or Tract of Land, whereof the said Johanna is and now stands seised and possessed*

possessed of, in *Pequimons* Precinct, containing, by Estimation, One Hundred and Seventy Acres, be the same more or less, situate, lying, and being on *Castleton's*, or *Laker's* Creek, butting and bounding on the Lands of *Inliana Laker*s and *Richard Skinner*; to have and to hold the same Plantation or Tract of Land, to her the said *Anna*, her Heirs and Assigns, in Fee-Simple, with Condition, that if the said *Johanna* do pay the Monies arising by such Sale to the said *Anna*, at and upon her Arrival to the Age of Eighteen Years, or Day of Marriage, or otherwise appropriate the Monies arising by the Sale of the aforesaid Plantation or Tract of Land at the Fork of *Queen Anne's* Creek, and Lot aforesaid, by purchasing young Female Slaves for the Use of the said *Anna*; then the aforesaid Estate of the said *Anna*, of, in, and to the afore-mentioned Plantation or Tract of Land in *Pequimons* Precinct, to be invalid and of no Force or Effect.

A. D. 1715.

C H A P. LXV.

An Act, Confirming the Titles of sundry Persons who have, or hereafter may, purchase Lands of Col. Thomas Cary, in Bath County.

I. **W**HEREAS Col. *Thomas Cary* taking up and purchasing divers Lands and Plantations in *Bath* County, the Deeds or Patents passed for the same have been taken in the Name of *John Cary*, an Infant, Son of the said *Thomas*, although the Purchase-Money, or Consideration paid for the same, was actually and *bona fide* the Monies of the said *Thomas*, and by him, the said *Thomas*, paid: And whereas the said *Thomas Cary* having bargained, sold, aliened, and transferred unto divers Persons, and their Heirs, several Tracts or Parcels of Land, in *Bath* County aforesaid, and is intended to bargain, sell, and transfer the remaining Part of the aforesaid Lands in *Bath* County: Wherefore, for avoiding Disputes that may hereafter arise concerning the aforesaid Title, taken in the aforesaid *John Cary's* Name, and for easing and quieting the Minds of such Persons as have purchased the same, or may hereafter purchase from the said *Thomas Cary*, and pursuant to the Petition of the said *Thomas Cary*; Private.

II. *BE it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Little River, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That all and singular the Bargains, Sales, Alienations, and Conveyances, already made and passed, or hereafter to be made and passed, by the said Thomas Cary, unto any Person or Persons whatsoever, their Heirs and Assigns, of, in, and to any of the Lands, Tenements, and Plantations, in Bath County, which lately were, or now are, in the Possession or Occupation of the said Thomas Cary, and for which Deeds or Conveyances have been made and passed, to and for the Use of the said John Cary, an Infant, Son of the said Thomas Cary, or in the Name of the said John, shall stand, be, and for ever remain, firm and available in Law and Equity, to such Purchaser or Purchasers, their Heirs and Assigns, having, or hereafter to have, from the said Thomas Cary, any Bargains, Sales, Alienations, or Conveyances for the same; any such Deeds of Sale, Conveyance, or Alienation formerly made in the said John Cary's Name, or to or for his Use and Behoof, notwithstanding.*

A. D. 1715.

C H A P. LXVI.

*An Act, for the Confirmation of the Laws passed this Session of Assembly,
and for Repealing all former Laws not herein particularly excepted.*
O B S O L E T E.

SIGNED by

CHARLES EDEN, Esq; Governor,

N. Chevin,

W. Reed,

Chr. Gale,

Tobias Knight,

Francis Forster,

Lords Proprietors Deputies.

Edward Moseley, S P E A K E R.



A. D. 1720.



Anno Regni

G E O R G I I ,

Regis, Magnæ Britanniae, Franciæ, & Hiberniæ,
Sexto.

At a General Biennial ASSEMBLY, held at the Court-
house in *Chowan* Precinct, the Second Day of *August*,
One Thousand Seven Hundred and Twenty, and con-
tinued, by several Adjournments, to the Twentieth Day
of the same Month.

CHARLES
EDEN, Esq;
Governor.

C H A P. I.

*An Act, for lessening the Poll and Land Tax, and for preventing of Con-
cealments. REPEALED.*

C H A P. II.

*An additional Act, to the Act, intituled, An Act, for Establishing the
Church, and appointing Select Vestries.*

Rep. by Act,
April 4, 1741.
Chap. 23.

C H A P. III.

*An Act, in Addition to the Act, For making a Town at Queen Anne's
Creek.*

Rep. by Act,
August 21, 1740.
Chap. 1.

C H A P.

A. D. 1720.

C H A P. IV.

Rep. by Act, *An additional Act to an Act, intituled, An Act, concerning Ordinary-keepers and Tippling-houses.*
 April 4, 1741.
 Chap. 19.

C H A P. V.

Rep. by Act, *An Act, in Explanation of the Act, Concerning Servants and Slaves.*
 April 4, 1741.
 Chap. 24.

C H A P. VI.

An Act, to confirm a Decree made in the Court of Chancery of this Province, upon a Bill of Complaint exhibited by William Duckenfield, Esq;

Private.

I. **W** H E R E A S at a Court of Chancery, held the Eleventh Day of May, One Thousand Seven Hundred and Thirteen, upon the Complaint of *William Duckenfield, Esq;* a Decree was passed in these Words, viz.

North-Carolina, ff.

At a Court of Chancery held at the House of Capt. *Thomas Lee*, in *Chowan* Precinct, on *Monday May* the 11th, *Anno Domini* 1713.

P R E S E N T,

The Honourable *THOMAS POLLOCK, Esq;* PRESIDENT,

The Honourable	{	<i>Thomas Boyd,</i> <i>William Reed,</i> <i>Xpber Gale,</i> <i>Tobias Knight,</i>	}	Esqrs.	Lords Proprietors Deputies.
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‘ Upon reading the Bill of Complaint of *William Duckenfield*, of the Precinct of *Chowan, Esq;* this Day, therein setting forth, That he the said *William Duckenfield*, about Sixteen Years last past, was, and yet is, lawfully seised, in his Demesne, as of Fee, of and in one large Tract or Parcel of Land, in the Precinct aforesaid, containing, by Estimation, Four Thousand Acres, bounding on *Albemarle Sound Eastward*, and on *Salmon Creek Westward*, and being thereof so seised, one *John Arderne, Esq;* coming into this Government, and being something related to him the said *Duckenfield*, by Intermarriage, and the said *John Arderne* being in low Circumstances, and not in Possession of any visible Estate, he the said *Duckenfield*, the better to give Credit and Reputation to him the said *Arderne*, and to put him in Possession of a visible Estate, thereby to advance himself, upon especial Trust and Confidence which he then reposed secretly in the said *Arderne*, by his Deed, sufficient in the Law, bearing Date the Thirty First Day of *July, Anno Domini* 1702, did grant, bargain, and sell unto the said *Arderne*, the aforesaid Tract or Parcel of Land, containing Four Thousand Acres; to have and to hold the same unto him the said *Arderne*, his Heirs and Assigns, for ever: Which said Deed mentions, that the same was for and in Consideration of the Sum of Two Hundred Pounds, in Hand paid, when, in Truth, the said Two Hundred Pounds was not paid, nor any Part or Parcel thereof, nor intended to be paid, nor indeed could the said *Arderne* pre-

tend

A. D. 1720.

tend to pay the same; but the said Deed was passed for no other Reason than
 what is above alledged: And further, that the said Deed was not only meant
 and intended to be in Trust, to the Use of him the said *Duckenfield*, Esq; but,
 at the Time of the making thereof, it was so declared and expressed, as well by
 the said *Duckenfield*, as by the said *Arderne*, in Presence and Hearing of divers
 Witnesses, and not to the Use of the said *Arderne*, other than in Case the said
Arderne should outlive him, &c. And further, that the said *John Arderne* did,
 as well at the signing the said Deed, as at divers Times since, declared to divers
 Persons, that he did not pay the Two Hundred Pounds, and that the same
 Deed was passed to him for no other Use, Intent, or Trust whatsoever, than
 that the same should absolutely return to him the said *Duckenfield*, in Case he
 should out-live the said *Arderne*; and also, that the said *Arderne*, willing to
 make known to the World the many and uncommon Favours which he had
 received from him the said *Duckenfield*, by his Last Will and Testament, in
 Writing, bearing Date the 22d Day of *October*, 1707, doth make ample Men-
 tion of the same, and that his Intention was, to give all his Estate, both Real
 and Personal, that he was possessed of, or should have Right to, to him, which
 he confirms by divers Affeверations in the said Will mentioned, as by the same
 will and may appear: Notwithstanding which, divers Persons, injuriously de-
 signing to bring in Question his the said *Duckenfield*'s Title to the aforesaid Four
 Thousand Acres of Land, altho' he was never out of Possession thereof, do
 give out, that the Fee-Simple of the said Land is not in him, but in the Heirs
 of the said *John Arderne*, and the Trust reposed by him the said *William Ducken-*
field: And forasmuch as the said Deed, in Writing, is absolutely without
 any Use declared or expressed therein, and without any Trust in the same men-
 tioned, and that the aforesaid Will of the said *John Arderne* doth not make ex-
 press Mention, that the same Four Thousand Acres commonly known by the
 Name of *Salmon-Creek*, were given, devised, and bequeathed unto him the said
Duckenfield, and his Heirs, for lack and want of Knowledge in the Law of the
 said *John Arderne*, how to use apt and express Words for the granting and con-
 veying the same back again to him, pursuant to the Trust reposed in the said
John Arderne, altho' the Intent and Meaning of the said *Arderne* so to do may
 be sufficiently proved and observed; and the said *John Arderne* being now dead,
 who could make appear that the Allegations in this Bill of Complaint are true
 and certain, and divers Evidences or Witnesses, as well to the said Deed, who
 could prove the aforesaid Use or Trust declared, and divers other Witnesses
 which he could have produced to prove the same, are some dead, others re-
 moved to Parts unknown, some aged and impotent, and living far off, and not
 able to travel to this Court, and others being transcient Persons, &c. do there-
 fore pray, That a Commission may be issued out of this Court, directed to such
 Persons as may be thought fitting, to examine such Witnesses, *in perpetuum rei*
Memoriam, as shall be produced by him the said *Duckenfield*, for the Proof of
 the aforesaid Use or Trust, &c. and also, that by the Decree of this Court, he
 may be relieved in the Premises, and the Fee-Simple of the aforesaid Land be
 adjudged and decreed to him, &c. And upon reading the several Depositions
 taken by Vertue of the aforesaid Commission out of this Court, as also the Will
 of the said *John Arderne*, and upon due and mature Consideration thereon, this
 Court are of Opinion, That the said Deed mentioned in the said Bill was made
 only in Trust, and that no Consideration was ever paid and satisfied, or intend-
 ed to be paid or satisfied, for the same; and it is the Opinion of this Court
 likewise, that the said *John Arderne*'s Intent and Design, by his Last Will and
 Testament, was to give and bequeath the same Lands back again to him the said
William Duckenfield, and his Heirs, for ever, although express Mention thereof
 be not made therein.

A. D. 1720.

‘ WHEREUPON this Court do Declare, Adjudge, Order, and Decree,
 ‘ That the aforefaid Deed be null and void, and that the aforefaid Four Thousand
 ‘ Acres of Land do revert, come, and remain unto the faid *William Duckenfield*,
 ‘ Esq; and to his Heirs and Assigns, for ever, without the least Lett, Molestation,
 ‘ or Hinderance of any Person or Persons, claiming from, by, or under the a-
 ‘ forefaid *John Arderne*, or his Heirs, Executors, Administrators, or Assigns, or
 ‘ any from or under them or either of them.’

Ordered, Decreed, and Entered, by us, and our Order, the
 above faid 11th Day of May, *Anno Domini* 1713.

Which Decree, upon the Prayers of the faid *William Duckenfield*, having been
 carefully and duly considered by this Assembly;

II. *BE it Enacted, by his Excellency the Palatine, and the rest of the true and
 absolute Lords Proprietors of the Province of Carolina, by and with the Advice and
 Consent of the rest of the Members of the General Assembly, now met at the General
 Court-house, at Queen-Anne’s Creek, in Chowan Precinct, for the North-East
 Part of the said Province, and it is hereby Enacted, by the Authority of the same,
 That the Decree, upon the Bill of Complaint of William Duckenfield, Esq; reci-
 ted, passed, and inrolled in the Court of Chancery, the Eleventh Day of May,
 One Thousand Seven Hundred and Thirteen, and every Part and Parcel, Article
 and Clause therein contained, shall be and remain firm and available in Law and
 Equity, to all Intents and Purposes whatever contained therein, without being
 liable to any Bill of Reverse, or other Process whatever, to reverse and annul
 the same.*

• SIGNED by

CHARLES EDEN, Esq; Governor,

Thomas Pollock, W. Reed,

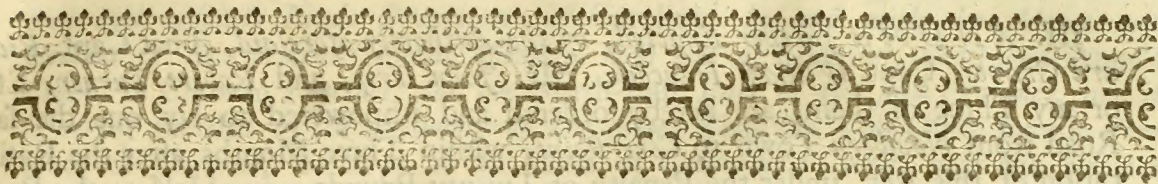
Francis Forster, John Lovick,

Lords Proprietors Deputies.

William Swann, SPEAKER.



A. D. 1722.



Anno Regni

GEORGGII,

Regis, *Magnæ Britannie, Franciæ, & Hiberniæ,*
Octavo.

At a General Biennial ASSEMBLY, held at *Edenton*, in *Chowan* Precinct, the Second Day of *October*, One Thousand Seven Hundred and Twenty Two, and continued, by several Adjournments, to the Nineteenth Day of the same Month.

WILLIAM
REED, Esq;
President.

C H A P. I.

An Act, for a Road from Core-Point, on Pamptico, to Newbern, on Neuse River.

I. **W**HEREAS a Road from *Core-Point*, to *Newbern* Town, would be of very great Use and Advantage to the Inhabitants of the upper Parts of *Neuse* River in particular, and to the County of *Bath* in general, which, by Reason of the Inhabitants of those Parts belonging already to other Districts, cannot be altered but by Authority of Assembly: Wherefore it is humbly prayed that it may be Enacted,

Private.

II. *AND* be it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of this present General Assembly, now met at *Edenton*, at *Queen Anne's Creek*, in *Chowan* Precinct, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That all the Inhabitants living on the South Side of *Pamptico* River, or that hereafter shall settle on the South Side of the said River, from *Derham's Creek* upwards; and all the Inhabitants settled on the South Side of *Neuse* River, from *Slocumb's Creek* upwards, including *Trent* River; and all the Inhabitants in the Fork of *Neuse*; are hereby ordered to work upon the Main Road that is to be laid out, by the Persons hereafter appointed for that Purpose, from the North Side

A. D. 1722.

Side of *Neuse River*, beginning directly over against the Town of *Newbern*, to *Core-Point*, on the *South Side* of *Pamptico River*.

III. *AND be it further Enacted, by the Authority aforesaid, That Capt. Richard Graves, Capt. William Hancock, Mr. John Trip, and Robert Turner, Esq;* or any Three of them, are hereby ordered and impowered to lay out the said Road from *Newbern Town* to *Core-Point*, within Three Months after the Ratification of this Act, under the Penalty of Twenty Pounds; one Half to the Party suing for the same, and the other Half to the Vestry of the Two Precincts, for the Use of the Parishes: To be recovered, by Bill, Plaint, or Information, in any Court of Record within this Government; wherein no *Essoign*, Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

IV. *AND be it further Enacted, by the Authority aforesaid, That Mr. John Trip* is hereby appointed Overseer of the People that are liable to work on the said Road, belonging to the *South Side* of *Pamptico River*, within the Bounds afore-mentioned in this Act; and that *Capt. Richard Graves* is appointed Overseer of the People that are liable to work on the aforesaid Road, within the Bounds mentioned aforesaid: And that the aforesaid Overseers and People are liable to the same Fines and Forfeitures, as all other Overseers and People, liable to work on Public Roads, have heretofore been.

V. *AND be it further Enacted, by the Authority aforesaid, That all the Inhabitants* residing on the *South Side* of *Pamptico River*, from *Derham's Creek* downwards, including *Bay River*; and all the Inhabitants on *Beard's Creek*, and downwards, living on the *North Side* of *Neuse River*; are hereby ordered to work on and maintain the old Road that formerly was laid out, from *Wilkinson's-Point*, on the *North Side* of *Neuse River*, to the Fork of *Derham's Creek*, at the Plantation that *Mr. Thomas Sparrow*, deceased, formerly dwelt on: And that they are under the same Fines and Forfeitures as all People, liable to work on Public Roads, have heretofore been.

CHAP. II.

An Act, for making the Sum of Twelve Thousand Pounds, Public Bills of Credit, for exchanging such of the Public Bills of Credit as are now Current, thereby to render them the more useful to the Government; and for regulating the Taxes. O. B. S.

CHAP. III.

An additional Act to an Act, intituled, An Act, appointing Toll-Books.

Preamble.

I. **W**HEREAS an Act, intituled, *An Act, for appointing Toll-Books to be kept in this Government*, has been passed; and the said Act has been rendered useless by Reason of the Places appointed by it for Toll-Books to be kept being inconvenient, and the Fees allowed to such Persons as are appointed to keep them so small, that no Person will take the Trouble of the said Office on himself: Wherefore it is prayed, that an Act may be made for the Continuance of the said Act, and that there be fixed Places appointed for the Toll-keepers in the several Precincts, and that the said Toll-keepers Fees be raised:

II. B E

A. D. 1722.

II. *BE it therefore Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Edenton, on Queen Anne's Creek, in Chowan Precinct, for the North-East Part of the said Province, and it is hereby Enacted by the Authority of the same, That the Toll-Office for the Precinct of Chowan, be kept at the Head of Catherine's Creek, near Mr. Thomas Speight's, at the Head of Pequimons, and at Maycock Creek, in Currituck Precinct; for Bertie Precinct, at Boon's Ferry, and such other Places as the Precinct Court shall appoint: And that every Toll-keeper shall be allowed the Sum of Four Pence for each Hog, and Six Pence a Head for all Cattle, carried or transported out of this Government, by all Persons carrying or transporting the same, under the like Penalty as in the said Act is mentioned; and the said Toll-keepers are to observe all Articles and Clauses in the said Act mentioned, under the like Pains, Fines, and Penalties therein expressed.*

Toll-Offices
where to be kept.Toll-keepers
Fees.

C H A P. IV.

An Act, for enlarging and Encouragement of the Town called Edenton, in Chowan Precinct.

Rep. by Act,
August 21, 1740.
Chap. I.

C H A P. V.

An Act, appointing that Part of Albemarle County lying on the West Side of Chowan River, to be a Precinct, by the Name of Bertie Precinct.

See Act passed
April 4, 1741,
Chap 7, for
Edgcomb County;
also April 4,
1741, Chap. 1,
for Northampton
County.

I. **W** H E R E A S That Part of Albemarle County lying on the West Side of Chowan River, being Part of Chowan Precinct, is now inhabited almost to the utmost of the said County Westward, and by Reason of the remote Situation thereof, the Inhabitants, which are growing very numerous, cannot, without too great Inconveniency, be continued any longer as Part of Chowan Precinct: Wherefore,

II. *BE it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Edenton, at Queen Anne's Creek, in Chowan Precinct, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That that Part of Albemarle County lying on the West Side of Chowan River, being Part of Chowan Precinct, bounded to the Northward by the Line dividing this Government from Virginia, and to the Southward by Albemarle Sound, and Morattuck River, as far up as Welch's Creek, and then including both Sides of the said River, and the Branches thereof, as far as the Limits of this Government, be, and the same is hereby declared to be erected into a Precinct, by the Name of Bertie Precinct, in Albemarle County; with all and every the Rights and Privileges, and other Benefits and Advantages whatsoever, as any other of the Four Precincts in Albemarle County can or may have, use, or enjoy.*

A. D. 1722.

III. *AND* be it further Enacted, by the Authority aforesaid, That the Election for Representatives for the said Precinct, shall always be at the Court-house for the said Precinct, or at such Place as shall be appointed for building the said Court-house on.

C H A P. VI.

Rep. See Act,
April 6, 1748.
Chap. 2.

An Act, concerning Fees and Officers.

C H A P. VII.

An Act, appointing that Part of the South-west Parish of Chowan that lies on the South Shore, and Alligator, to be a distinct Parish, by the Name of the South Parish of Chowan; and for appointing Vestrymen for the said Parish.

Private.

I. **W** H E R E A S the Inhabitants of that Part of *Chowan*, and *Alligator*, have petitioned the General Assembly, to be a separate Parish from the *West Shore* of *Chowan*, and it being apparent that it is very much to the Prejudice of the said Inhabitants to remain as Part of the aforesaid Parish;

II. *BE* it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Edenton, at Queen-Anne's Creek, in *Chowan Precinct*, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That the South Shore of *Chowan*, from *Alligator River* to the East Side of *Welch's Creek*, including all the Land on the Sound, and *Morattuck*, lying within the Bounds aforesaid, shall be, and is hereby appointed a separate Parish, by the Name of the *South Parish of Chowan*; and that the said Parish do enjoy all such Liberties and Immunities as all other Parishes in this Government can or may have.

III. *AND* be it further Enacted, by the Authority aforesaid, That the following Persons are hereby appointed Vestrymen for the said Parish, viz.

<i>John Worley, Esq;</i>	<i>Mr. Joseph Turner,</i>	<i>Mr. John Edwards,</i>
<i>Callen Pollock, Esq;</i>	<i>Mr. Samuel Spruill,</i>	<i>Mr. Jacob Blount,</i>
<i>Capt. William Downing,</i>	<i>Mr. James Long,</i>	<i>Mr. Thomas Long,</i>
<i>Mr. William Ludford,</i>	<i>Mr. Joseph Spruill,</i>	<i>Mr. John Warley.</i>

Which said Vestrymen shall be, and they are hereby invested with all such Privileges and Authorities, and subject to the same Penalties and Forfeitures within the said Parish, as in and by an Act, intituled, *An Act, for Establishing the Church, and appointing Select Vestries*, is and are given to the Churchwardens and Vestry of the several and respective Parishes in the said Act mentioned.

IV. *PROVIDED* nevertheless, That all those Inhabitants of the said Parish now appointed by this Act, which formerly belonged to the *South-west Parish of Chowan*, shall pay their ratable Part of Taxes, to the Churchwardens of the said *South-west Parish*, to pay and satisfy the Debts now due from the said Parish, and to make good their Agreement with the Reverend Mr. *Newname*; and that on Default of any of the said Inhabitants to pay such Levy as shall be laid by the Churchwardens and Vestry of the *South-west Parish of Chowan* aforesaid,
for

for the Uses before-mentioned, that they be, and they are hereby made subject to the same Penalties and Forfeitures as they should have been, before the Division was made; any Thing before contained in this Act to the contrary, in any-wise, notwithstanding.

A D 1722.

C H A P. VIII.

An Act, for settling the Precinct Courts, and Court-houses.

I. **W** H E R E A S thro' the great Taxes and Charges this Government hath laboured under, by Means of the late *Indian War*, there has been no Care taken by preceeding Assemblies, to settle the several Precinct Courts to any fixed or certain Place, but have always hitherto been kept and held at private Houses, where they have been, and are liable to be removed, at the Pleasure of the Person or Persons owning such Houses; to the great Annoyance of the Magistrates and People: For the Prevention of which for the future;

Preamble.

II. *Be it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of this present General Assembly, now met at Edenton, at Queen Anne's Creek, in Chowan Precinct, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That from and after the Ratification of this Act, the Justices of the Peace that are now appointed for and in every respective Precinct in this Government, or shall hereafter be appointed within the Time limited in this Act for building the Precinct Court-houses, or the greatest Part of them, are hereby required and impowered to purchase the Quantity of one Acre of Land, in such Place and Places of their several Precincts, as in and by this Act is hereby nominated and appointed, for the erecting the said Court-houses on.*

Justices to purchase Land to build Court-houses on;

III. *AND for the better enabling the said Justices, or the greatest Part of them, to purchase such Lands, and build the said Court-houses; Be it Enacted, by the Authority aforesaid, That the said Justices, or the greatest Part of them, shall have full Power and Authority to raise Money, by a Poll Tax on the several Inhabitants of their respective Precincts, for the purchasing such Lands and building the said Court-houses thereon, not exceeding the Sum of Five Shillings per Poll, per Annum; which said Tax or Levy shall be paid to them the said Justices, or whom they, or the greatest Part of them, shall appoint to receive the same, by each and every Person respectively, in the same Manner and Form as they do their Public Levy, and under the same Fines and Forfeitures.*

Justices to lay a Tax, for building the said Court-houses,

IV. *AND be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall refuse to sell to the said Justices, or the greatest Part of them, such Lands as by this Act is appointed to be purchased for the Use of a Court-house; for what the said Justices shall think to be the full Value thereof, that then, and in such Case, it shall and may be lawful for the Chief Justice to issue his Summons, under his Hand, directed to Three Freeholders of the Precinct where such Refusal shall be made; which Freeholders are hereby required, on Oath, to appraise the said Land: And in Case the Owner of the said Land shall, after a Tender made him of the Money which the said Land was appraised to, refuse to give a lawful Conveyance for the same, such Lands shall, nevertheless, be invested in the Publick, for the Uses aforesaid; provided that no Person's Orchard, Garden, or inclosed Ground, be injured thereby.*

Persons refusing to sell Land to the said Justices for a reasonable Price, C. Justice to issue his Warrant to 3 Freeholders to value the same; which Valuation such Persons shall be obliged to take, and the Land to be invested in the Publick.

V. AND

A. D. 1722.

Justices neglect-
ing to build
Court-houses,
Governor to ap-
point other Per-
sons to do it.

V. *AND be it further Enacted, by the Authority aforesaid,* That if the Justices, or the major Part of them, in their several Precincts, shall neglect or refuse to purchase the Land by this Act directed for building the several Court-houses on, or to agree with Workmen to build and finish the same, (which shall not be less than Twenty Four Feet long and Sixteen Feet wide,) within Six Months after the Ratification of this Act; that then, and in such Case, the Governor or Commander in Chief for the Time being, shall, and he is hereby impowered and directed, to nominate and appoint such Person or Persons in each and every Precinct so neglecting or refusing; which Persons so appointed, shall have the same Power and Authority to the lay the said Tax, purchase such Land, and build the said Court-houses, as the said Justices might or ought to have had by this Act.

Places appointed
for building
Court-houses on.

VI. *AND be it further Enacted, by the Authority aforesaid,* That the Lands hereafter mentioned be, by the several Justices, or the major Part of them, in each respective Precinct, purchased, to and for the building and erecting the several Court-houses on: That is to say;

F O R the Precinct of *Chowan*, at *Edenton*.

F O R the Precinct of *Pequimons*, at *Jonathan Felp's Point*, at the Mouth of the *Narrows*.

F O R the Precinct of *Currituck*, on the Land of Mr. *William Peyner*, next to the Land of Mr. *William Parker*; or at Mr. *Parker's*, as the Justices shall appoint.

F O R the Precincts of *Beaufort* and *Hyde*, at *Bath-Town*.

F O R the Precinct of *Craven*, at *Newbern*.

F O R the Precinct of *Carteret*, at *Beaufort Town*.

F O R the Precinct of *Bertie*, now by this Assembly laid out, at some convenient Place at *Abotskey*, where the Justices shall appoint.

F O R the Precinct of *Pasquotank*, at such Place as the Justices shall appoint.

All Business de-
pending in any
Court not tried
for want of Jus-
tices, to be con-
tinued to the
next Court.

A N D whereas many Inconveniencies hath happened in this Government, by Reason of the falling of the Courts, which too frequently have been occasioned by Failure of a sufficient Number of Justices to meet: For Prevention of which for the future; *Be it Enacted, by the Authority aforesaid,* That all Actions or Business whatsoever now depending, or hereafter to be depending, in the General Court, or any Precinct Court in this Government, shall not be discontinued by Reason or Failure of a sufficient Number of Justices meeting at the Days appointed; but that all such Actions or Business shall stand continued till the next Court: Any Law, Custom, or Usage to the contrary, notwithstanding.

S I G N E D by

WILLIAM REED, Esq; President.

Chr. Gale, Richard Sanderfon,

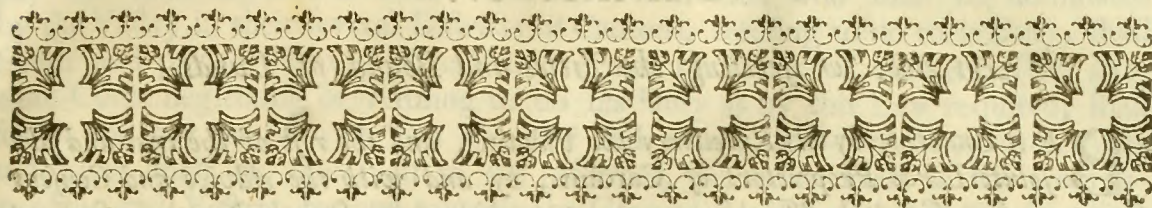
John Lovick, Thomas Lovick.

Lords Proprietors Deputies.

EDWARD MOSELEY, Speaker.

Anno

A. D. 1723.



Anno Regni

GEORGE III,

Regis, Magnæ Britannie, Franciæ, & Hiberniæ,
Nono.

At a General Biennial ASSEMBLY, held at Edenton, in
Chowan Precinct, the Twenty Third Day of November,
One Thousand Seven Hundred, and Twenty Three.

WILLIAM
REED, Esq;
President.

CHAP. I.

An Act, to provide indifferent Jurymen in all Causes, Civil and Criminal.

Rep. by Act,
April 6, 1748.
Chap. 8.

CHAP. II.

An Act, intituled, An additional Act to the Act, relating to Biennial and other Assemblies, and regulating Elections; and divers other Things relating to Towns. R E P.

CHAP. III.

An Act, for appropriating Part of the Impost Duty on Vessels, or Powder Money, to Beacon out the Channels from Roanoke and Ocacock Inlets, and several other Things, to facilitate the Trade and Navigation of this Government. E X P.

A D. 1723.

C H A P. IV.

An Act, for settling the Titles and Bounds of Lands.

I. **B**E it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of this present General Assembly, now met at Edenton, for the North East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That the Lands belonging to every Person in this Government shall be processioned, and the Marks renewed once in every Three Years; and that the Justices of each and every Precinct Court within this Government, between the First Day of June and the First Day of August, One Thousand Seven Hundred and Twenty Four, and so between the First Day of July and the First Day of August, in every Three Years hereafter, by an Order of the said Court, shall direct and order the Vestry of each Parish, in their Precinct, to divide their said Parishes into as many Districts as to them shall seem most easy and convenient, for processioning every particular Person's Land within their Parish; and that the said Vestry shall appoint the particular Times sometime between the First Day of October and the last Day of April, following the Date of the said Court's Order, and shall nominate and appoint Two able and intelligent Freeholders within every Canton or District, to see such Processioning performed: And the said Freeholders so appointed are hereby obliged to make a due Return and give an Account of their Proceedings to the Precinct Court next following such Processioning of every particular Person's Land by them processioned, and who were present at the Time, and also to give a particular Account of what Lands, within their Cantons or Districts, they shall have failed to procession, together with their Reasons for such Failure.

Persons Lands to be processioned, and Marks renewed once in 3 Years.

Parish to be divided into Districts.

Vestry to appoint the Times of processioning.

Processioners to make Return of their Proceedings to the next Court.

Clerk to deliver the Churchwardens a Copy of the Courts Order in 15 Days; in 10 Days after which, Vestry to lay out the Parish into Districts, and to appoint Processioners.

II. *AND be it further Enacted, by the Authority aforesaid, That the Clerk of every respective Precinct Court, is hereby enjoined and directed to deliver to the Churchwardens of every Parish within his Precinct, a Copy of the said Court's Order, within Fifteen Days after the passing the same; and that the said Churchwardens shall be obliged, within Ten Days after the Receipt of such Order, to appoint a Vestry to meet; and the said Churchwardens and Vestrymen are to lay out their said Parish in as many Cantons or Districts as to them shall seem convenient, and to nominate and appoint Two intelligent Freeholders as aforesaid: Which Freeholders so appointed, are required to go with the Freeholders and Inhabitants, within their Districts or Cantons, round the Bounds of every Person's Land within the same, and renew the Marks of the said Lands.*

Clerk to register all Returns.

III. *AND be it further Enacted, by the Authority aforesaid, That the Justices of each Precinct are hereby required to cause the Returns so made by the said Processioners, to be fairly entered into well-bound Books, kept for that Purpose, by the Clerk of the Precinct Court; and to prevent Mistakes in the recording the said Return, the Clerk of the said Court shall be obliged, at the next succeeding Court, to produce and compare the Return with the Record, and afterwards, to file the said Return in his Office: And as an Encouragement for the said Clerk's faithful Discharge of the several Duties above-mentioned, it shall and may be lawful for him to ask and demand the Sum of Twelve Pence of every Person for all his or her Lands that are returned processioned, and recorded within that Precinct.*

Clerk's Fee 12 d.

Persons mentioned in this Act, what to forfeit for neglecting their Duty.

IV. *AND be it further Enacted, by the Authority aforesaid, That where the Justices of any the Precinct Courts, Vestry and Churchwardens, Freeholders or Clerk, shall fail or neglect doing their Duty herein, or hereby enjoined, each and every Justice so failing, shall forfeit and pay the Sum of Five Pounds; the*

Church-

Churchwardens and Vestry failing to do their Duty as aforesaid, shall forfeit and pay the Sum of Five Pounds; and the Freeholders who shall be nominated by the Vestry in their several Districts or Cantons, refusing to do their Duty, shall forfeit and pay the Sum of Five Pounds; and the Clerk of each respective Precinct Court neglecting or refusing to do his Duty as by this Law required, shall forfeit and pay the Sum of Ten Pounds: All which afore-mentioned Forfeitures and Fines shall be, one Half to the Informer, the other Half to the Churchwardens and Vestry, for and towards the Use and Benefit of that Parish in which such Default happened: To be recovered, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Government; wherein no Essoign, Injunction, or Wager of Law, shall be allowed or admitted of.

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How recoverable,

V. AND forasmuch as no Provision has been made in this Act, to compel such Persons who, out of an obstinate Temper, shall refuse to have their Lands processioned, to the Damage of the Owners of adjacent Lands; *Be it Enacted*, That then, and in such Case, all and every Person or Persons so refusing to have their Lands processioned, pursuant to the Directions in this Act given them, the Two Freeholders Processioners as aforesaid, shall cause such Refusal to be certified, in Writing, to the next succeeding Precinct Court; which Court is hereby empowered and required to command the Surveyor-General, or his Deputy, attended with Four reputable Freeholders, who shall be nominated and appointed by the said Court for that Purpose, and sworn, to lay out the Bounds of the said Lands, to the best of their Judgment and Understanding; and according as it shall appear to them by Deeds, Writings, or other Evidences, they shall proceed to settle the Bounds of the said Lands, at the proper Costs and Charges of the Person refusing to have the said Bounds laid out; and the said Surveyor-General, or his Deputy, shall return the Survey thereof, with the Proceedings thereon, to the next Precinct Court, there to be recorded, by the Clerk of the said Court, in a Book for that Purpose; which Bounds and Survey made in Manner aforesaid, shall be taken and deemed a sufficient Processioning, as if the same had been done by the Consent of the Party: And if any of the said Justices, or the Surveyor, Clerk, or Freeholders, not having a lawful Excuse, shall fail in his or their Duty, as by this Act is enjoined and directed, he or they so failing shall forfeit and pay the same Penalties as before in this Act is laid on the said Justices, Churchwardens, Vestry, and Processioners, failing in their Duty; to be recovered in like Manner, and to the same Uses.

Persons refusing to have their Lands processioned, Court to order the Surveyor, &c. to lay it out, at the Charge of the Person refusing.

To be entered on Record the next Court.

Persons failing their Duty, liable to the before-mentioned Penalties.

VI. *AND be it further Enacted, by the Authority aforesaid*, That all and every Person whose Lands shall be processioned to him, according to the Directions of this Act, at Two several Times, such Person shall be deemed and adjudged to be the sole Owner of the said Lands; and that upon any Suit commenced for any such Lands, the Party in Possession may plead the General Issue, and give this Act in Evidence.

Persons whose Lands have been twice processioned, deemed sole Owners.

VII. *PROVIDED* always, That the processioning of the Lands of a Tenant for Life, shall not bar or preclude the Heir in Reversion or Remainder; neither shall any Processioning bar or preclude Persons under Age, Feme Coverts, *Non compos mentis*, Imprisoned, or out of the Government: But that all such Person or Persons shall have free Liberty to sue for and dispute the Title and Bounds of any Lands within this Province; provided the said Person or Persons commence Suit and prosecute the same, within the Time already limited by the Laws of this Government, after the Removal of such Disability.

Not to bar Persons under Age, Feme Coverts, &c.

VIII. AND whereas lapse Patents are accustomed to be granted to the first Petitioners for all such Lands which are not seated and planted according to the Condition or Provision mentioned in the respective Patents, which has often proved

to

A. D. 1723.

to be the Ruin of Orphan Children, (whose Parents have died leaving Lands unseated,) by Neglect of Guardians and Trustees in not settling and securing the same in due Time: For Prevention whereof for the future;

Persons petitioning to lapse Lands belonging to Orphans, to give the Guardian 30 Days Notice; and if he refuses to take it up for the Orphan, he shall be removed from his Guardianship by the Governor, and liable for all Damages to the Orphan.

IX. *BE it Enacted, by the Authority aforesaid, That whosoever, for the future, shall petition for the Lapsing of any Land belonging to any Orphan or Orphans, such Person so petitioning, shall, and he is hereby required and commanded, to give, at least, Thirty Days Notice of such Petition's being lodged, to the Guardian or Trustee of such Orphan, before the next Council after the Petition is lodged; and in Case the said Guardian or Trustee, after such Notice given, shall refuse and neglect to appear at the said Council, and there take out a Patent for the said Land, in the Name of, and to the Use of such Orphan or Orphans, (who shall, *de futuro*, have the Preference in lapsing such Lands as are hereditary to him or her,) such Guardian or Trustee shall be removed by the Governor and Council, or Precinct Court, from his Guardianship, and shall be subject to the Suit of the Orphan, and to answer all Damages which the Orphan shall sustain by Reason of his Neglect.*

CHAP. V.

An Act, for an additional Tax on all free Negroes, Mulattoes, Mustees, and such Persons, Male and Female, as now are, or hereafter shall be, intermarried with any such Persons, resident in this Government.

Preamble.

I. **W**HEREAS Complaints have been made by divers Freeholders and other Inhabitants of this Government, of great Numbers of free Negroes, Mulattoes, and other Persons of mixt Blood, that have lately removed themselves into this Government, and that several of them have intermarried with the white Inhabitants of this Province; in Contempt of the Acts and Laws in those Cases made and provided:

Free Negroes, Mulattoes, &c. deemed Tithables at the Age of 12 Years.

II. *BE it therefore Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of this present General Assembly, now met at Edenton, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That all free Negroes, Mulattoes, and other Persons of that Kind, being mixed Blood, including the Third Generation, who are, or hereafter shall be, Inhabitants or Residents in this Government, both Male and Female, who are of the Age of Twelve Years and upwards, shall, from the Ratification of this Act, be deemed and taken for Tithables, and as such each and every of them shall, Yearly, pay the same Levies and Taxes as the other Tithable Inhabitants do, and shall, and are hereby made liable to pay the same Yearly to such Person or Persons, in such Manner, and at such Times and Places, and to be subject to such Fines and Penalties, as in and by an Act, intituled, *An Act, for making the Sum of Twelve Thousand Pounds, Public Bills of Credit, for exchanging such of the Public Bills of Credit as are now current, thereby to render them the more useful to the Government; and for regulating the Taxes;* which the other Inhabitants of this Province, being Tithables, are obliged and subject to.*

White Persons intermarrying with Negroes,

III. *AND be it further Enacted, by the Authority aforesaid, That from and after the Ratification of this Act, any white Person or Persons whatsoever, Male or Female, Inhabitant of this Government, or that may or shall remove themselves hither from other Parts, that now is, or hereafter shall be, married with any*
Negro,

Negro, Mulatto, Mustee, or other Person being of mixed Blood, as aforesaid, shall be, and are hereby made liable to the same Levies and Taxes, as the Negroes, Mulattoes, and other mixed Blood, as herein above is expressed; and it is the true Intent and Meaning of this Act, that all and every of the aforesaid Tithables removing themselves into this Government, shall pay the Levy and Taxes assessed for the Year they come hither, provided they come before the Tenth Day of June in that Year.

A. D. 1723.
 &c. liable to the
 same Taxes.

IV. AND forasmuch as divers of the Inhabitants of this Government, for Causes them thereunto moving, have set free Slaves of sundry Kinds, who are all, by Law, obliged to depart the Government in Six Months after their being so freed, otherwise they are liable to be sold to such Person or Persons as shall give Security for transporting them out of this Government; notwithstanding the said Law, and contrary to the true Intent and Meaning thereof, many of such freed Negroes, and Slaves of other Kinds, after having departed this Government for a little Time, have returned again, deeming themselves Inhabitants of this Government by such Departure and Return: For the Prevention whereof for the future;

V. BE it therefore Enacted, by the Authority aforesaid, That all Slaves, of what Kind soever, which shall hereafter be set free, shall be obliged to depart this Government within Six Months after being so freed, according to the Directions of the aforesaid Act, and shall not return into this Government, under the Penalties and Pains hereafter expressed: And if any Slave or Slaves being so freed and set at Liberty, having departed as before directed, shall presume to return back into this Province, it shall and may be lawful for any Person or Persons whatsoever to apprehend and take up such Slave or Slaves so offending, and carry him or them before some Magistrate, who is hereby authorised and impowered, upon due Proof made, to commit such Person or Persons so offending, to the Provost Marshall of the County where such Offender or Offenders shall be apprehended, till the next General Court, to be held for this Government, and shall then sell him or them for Seven Years, at Public Vendue, to the highest Bidder; and the Money arising by the said Sale, after Charges paid, shall be applied, the one Half to the Apprehender, and the other Half towards defraying the contingent Charges of the Government; and at the End and Expiration of the said Seven Years, the said Slave or Slaves so set free, shall, and are hereby compelled to depart this Government, within Six Months after being so freed: And if any such Person or Persons so departing shall presume to return a Second Time, they are hereby made liable to be apprehended, taken up, and sold, as aforesaid.

Slaves set free, to
 depart in 6
 Months, and not
 return, on Pe-
 nalty of being
 sold for 7 Years.

Slaves set free re-
 turning a second
 Time, liable to
 be sold again.

VI. AND be it further Enacted, by the Authority aforesaid, That after such Sale is made as aforesaid, if any Person or Persons, Inhabitants of this Government, shall presume to harbour, conceal, or detain any such Negroe or Slave set free, upon Pretence of Debt, or otherwise, such Person or Persons so offending shall forfeit and pay One Hundred Pounds Current Money; one Half to the Use of the Publick, and the other Half to him or them that shall sue for the same: To be recovered, by Bill, Complaint, or Information, in any Court of Record within this Government; wherein no Injunction, or Wager of Law, shall be allowed or admitted of.

Persons harbour-
 ing Slaves so sold,
 to forfeit 100 l.

A. D. 1723.

C H A P. VI.

Rep. by Act,
April 6, 1748.
Chap. 2.*An Act, for the better ascertaining Naval Officers and Collectors Fees.*

C H A P. VII.

An additional Act to an Act, intituled, An Act, for Qualification of Public Officers. O B S.

C H A P. VIII.

An Act, for destroying of Squirrels. R E P.

C H A P. IX.

*An Act, for regulating Proceedings on original Attachments.*Rep. by Act,
Dec. 5, 1746.
Chap. 2.

C H A P. X.

See Act passed
1715, Chap. 39.*An additional Act, to an Act, intituled, An Act, concerning proving Wills, and granting Letters of Administration; and to prevent Frauds in the Management of Intestates Estates.*

Preamble,

I. **W** H E R E A S it has been customary for Executors or Administrators to bring the Estates of deceased Persons to Appraisments, which Appraisments have generally been much short of the true Value of the same; to the great Detriment of the Creditors and Kindred of the Person deceased: For Prevention of the like for the future;

II. *B E it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Edenton, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That from and after the Ratification of this Act, all and every Executor or Executrix, Administrator or Administratrix, shall, sometime before or at the next Precinct Court after his, her, or their entering on the Administration of any deceased Person's Estate, draw, or cause to be drawn, a just, true, and perfect Inventory of all the Goods and Chattels of the Deceased, (such only excepted as by the afore-mentioned former Law are reserved to remain to the Use of Orphans not of Age till they arrive to full Age, or such as are by special Legacies particularly bequeathed;) which Inventories shall be exhibited at the respective Courts of the Precinct in which the said Goods are, and attested, on Oath, by the Persons exhibiting the same; and a Copy of which Inventory so exhibited and attested, the Executor or Administrator shall cause to be affixed at the Court-house Door of the Precinct, during the Court's sitting, giving Notice, that*

Deceased Persons
Estates how to be
sold.

that on the Day of (which shall be some Days before the next succeeding Court,) the said Goods will be exposed to Public Sale, to the highest Bidder, at the Place where the said Goods are reserved and kept; and the Executors or Administrators shall, on Oath, render a true Account of such Sale to the next Court immediately succeeding such Sales, and shall accordingly be accountable for the same to such Persons as in the afore-mentioned former Law is provided.

A. D. 1723.

III. AND in Case the Estate of any Person deceased shall be so far indebted as that the Debts cannot be discharged by the Sale of what are deemed perishable Commodities; *Be it further Enacted*, That then and in such Case, the Executor or Administrator shall, and they are hereby impowered and required, to expose to Sale, in like Manner as aforesaid, by the Directions of the Precinct Court, such Part of, and so many of the unperishable Goods, directed by the before-mentioned Act to be kept and reserved in Kind, as will pay and satisfy all such Debts and Demands.

All the Estate of deceased Persons to be sold, if required, to pay his Debts,

IV. AND whereas some Doubts have arisen concerning the Manner of Recovery of Legacies, filial Portions, and other Parts of deceased Persons Estates; *Be it further Enacted*, That it shall and may be lawful to recover the same by Petition, according to the respective Sums sued for, in the General or Precinct Courts of this Province, as well as in any Ecclesiastical or other Court whatsoever.

Legacies, &c. how to be recovered.

C H A P. XI.

An Act, to restrain the keeping too great a Number of Horses and Mares, and for amending the Breed.

I. **B**E it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Edenton, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That no Person, being an Inhabitant of this Government, and not having a Freehold of Fifty Acres of Land, or possessed of, or occupying Lands or Tenements, shall keep, as Owner, a Stone-Horse or Horses, or unspade Mare or Mares, or any more than one Gelding, or spade Mare, to run at large.

No Person, not having a Freehold of 50 Acres, &c. to keep a Stallion or Mare, or more than 1 Gelding, or spade Mare, running at large,

II. *AND be it further Enacted*, by the Authority aforesaid, That if any Person, not qualified as aforesaid, shall keep any Horse or Mare running at large, except one Gelding, and one spade Mare, as aforesaid, it shall and may be lawful for any Person to take up the same, who is hereby obliged and directed to give Notice thereof, in Writing, to the Owner, within Three Days after such taking up; which Owner shall have Liberty to appear at the next succeeding Court of the County wherein he dwelleth, and if he can prove, to the Satisfaction of the said Court, that he is qualified, according to the Meaning of this Act, to keep such Horse or Mare so taken up, he shall have the same restored; but if he shall fail in his Proof aforesaid, he shall pay to the Person taking up, Twenty Shillings for every Horse or Mare so taken up: And if the Owner of such Horse or Mare shall refuse to pay the aforesaid Sum of Twenty Shillings, that then it shall and may be lawful for the taker up of such Horse or Mare to sell the same, at Public Vendue, to the highest Bidder, and one Half of the Mony arising by such Sale to take to himself, and the other Half he shall deliver to the Owner of such Horse or Mare.

Persons keeping Stallions, &c. contrary to this Act, what to forfeit,

III. *AND*

A. D. 1723.

If Notice be given
in less than 10
Days before the
Court, Owner
may appear at
next succeeding
Court.

III. *AND be it further Enacted, by the Authority aforesaid, That where the Information of the taking up of such Horses or unspade Mares as aforesaid, shall happen to be made to the Owner or Owners within less than Ten Days before the Time of the sitting of the Court of the Precinct where such Owner resides, in such Case he shall have Liberty to appear at the next succeeding Court after such Court, to prove himself a Freeholder, or possessed of or occupying Lands or Tenements.*

No Person to let
Stallions less than
13 Hands high,
go at large.

IV. *AND be it further Enacted, by the Authority aforesaid, That no Person or Persons whatsoever, Inhabitants of this Government, shall suffer, or let go at large, any Stone-Horse or Stone-horses of Two Years old, unless such Horse or Horses shall be, at least, Thirteen Hands in Height, upon Penalty of forfeiting such Horse or Horses, or the Sum of Three Pounds, to the taker up of every such Stone-horse; provided the same be found running at large, and not within the Confine of any Fence, Water, Marsh, or Swamp.*

Taker up of such
Stallions to carry
the same before a
Justice, within
10 Days, and
make Oath of the
same.

V. *AND be it farther Enacted, by the Authority aforesaid, That the taker up of such Stone-horse shall, within Ten Days after the taking up thereof, carry the same Horse, and make Oath, before some Justice of the Peace, of his taking up the same; which Proof being made, the Justices shall cause such Stone-horse to be measured, and upon finding him not full Thirteen Hands high at Two Years old, as aforesaid, the Justice shall give a Certificate, from under his Hand, certifying the same; and thereupon the Taker up of such Horse or Horses so doing shall keep the same, until the Owner shall redeem such Horse or Horses, by paying the Sum of Three Pounds aforesaid to such Taker up.*

Taker up to set
up Notes describ-
ing such Horse,
and the Owner,
within 10 Days,
paying 3 l. to
have him re-
stored; other-
wise to lose him.

VI. *PROVIDED nevertheless, and it is hereby required, That such Taker up shall set up Advertisements, describing the said Horse or Horses, with his or their Colour and Brand, at the Precinct Court-house Door where such Owner shall live or reside; and if the Owner of such Horse or Horses shall, within Ten Days after such Notice given, tender to the Taker up thereof, by paying, the Sum of Three Pounds, or giving Security for the Payment thereof, that then and in such Case, such Owner shall recover and redeem such Horse or Horses; otherwise the Taker up thereof is hereby intitled to the Right and Property of such Horse or Horses: Any Law, Usage, or Custom, to the contrary, notwithstanding.*

Commencement
of this Act.

VII. *AND be it further Enacted, by the Authority aforesaid, That no Part, Clause, or Thing contained in this Act, shall take Place, or be in Force, till after the First Day of July next, after the Ratification hereof.*

C H A P. XII.

An Act, for enlarging and Encouragement of the Town at the Island of Roanoke, now called Carteret. O B S.

C H A P. XIII.

An Act, for the better settling of the Town of Newbern, in the Precinct of Craven.

I. **W** H E R E A S a certain Plot of Ground, being Part of a Tract of Private.
Land, lying in the Fork of *Neuse* River, late belonging to the Honourable Col. *Thomas Pollock*, deceased, but now the Property of Mr. *Cullen Pollock*, was formerly laid out into a Township, by the Name of *Newbern*, with proper Allotments for a Church, Court-house, and Market-place; as by a Plot or Draught, upon Record in the Clerk's Office of *Craven* Precinct Court, will more plainly appear: Therefore, for the Advancement of the said Town;

II. *BE it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Edenton, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That the said Land, as it is already laid out by the said Draught, together with as much other Land lying contiguous and most convenient to the said Town, to compleat a Township, as shall make the whole Two Hundred and Fifty Acres, reserving to the Owners thereof the Property of such Lots as are sold already by William Hancock, Attorney of the said Col. Thomas Pollock, is hereby and henceforward invested in Mr. Cullen Pollock, Mr. William Hancock, Jun. and Richard Graves, or any of them, for the Use aforesaid, Declared, Confirmed, and Incorporated into a Township, by the Name of Newbern; with all Privileges which ever have belonged to the said Town, or shall hereafter be expressed, for ever.*

III. *P U R S U A N T to which, It is hereby Enacted, by the Authority aforesaid, That the Places already laid out for a Church, Court-house, and Market-place, be reserved for those Uses; and that the rest of the Land not already laid out, be forthwith laid out into Lots of Half an Acre each, with convenient Streets and Passages, with Fronts belonging to the said Lots, by the said Trustees, or any of them.*

IV. *A N D be it further Enacted, by the Authority aforesaid, That Mr. Cullen Pollock shall be, and he is hereby appointed the present Treasurer and Receiver of the Monies arising by the Sale of the said Lots; and on his Death or Departure out of the Government, the First in Commission shall succeed, and be Treasurer for the Time being, he giving Security to the Justices of the said Precinct, that he will be accountable for the Money he shall receive by the Sale of the said Lots, unto the said Mr. Cullen Pollock, his Heirs or Assigns.*

V. *A N D be it further Enacted, by the Authority aforesaid, That any Person whatsoever who is willing or desirous to be an Inhabitant of the said Town, shall have Liberty to take up any Lot or Lots so laid out as aforesaid, and not before taken up; which Lot or Lots the Commissioners afore appointed, or any of them, are hereby directed, required, and impowered, to grant, convey, and acknowledge, to the Person so taking up such Lots, and to his Heirs and Assigns, for ever, in Fee-Simple, upon the Payment of Twenty Shillings, Consideration-Money, with a Pepper Corn Yearly, if demanded, as an Acknowledgment to the said Cullen Pollock, his Heirs or Assigns, for ever, for each Lot: Which Twenty Shillings shall be paid to the said Cullen Pollock, the Owner of the said Land, and to his Heirs and Assigns.*

A. D. 1723.

VI. *PROVIDED* always, That what Person soever shall take up, and have conveyed to him, any Lot or Lots as afore-mentioned, and shall not build, or cause to be built thereon, within Eighteen Months after the Date of the said Conveyance, a good and substantial habitable House, not of less Dimensions than Twenty Feet in Length, and Fifteen Feet wide, without Shed, every such Conveyance shall be, and it is hereby declared void and of none Effect, as if the same had never been made or done; and then the said Lot or Lots shall be free and clear for any other Person to take up and purchase the same, as if it had never been taken up: And the Money arising by such Sales shall be paid unto the said *Cullen Pollock*, his Heirs and Assigns, by the said Commissioners, as aforesaid.

VII. *AND* be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall die possessed of any of the said Lot or Lots, without leaving Heirs, or without making of a Will of the said Lot or Lots, that then, and in such Case, the absolute Fee shall come and revert unto the said *Cullen Pollock*, his Heirs and Assigns, for ever; notwithstanding any Thing contained in an Act, intituled, *An Act, concerning Escheat Lands and Escheators*, or any other Law, Custom, or Usage to the contrary.

VIII. *AND* be it further Enacted, by the Authority aforesaid, That the Commissioners, or any Two of them, shall have full Power and Authority, and they are hereby impowered and required, to remove all Nuisances within the Limits of the said Town; and that no Person, inhabiting in the said Town, holding Lots there, shall inclose the same, or keep the same inclosed in the said Town, under a common Stake-Fence; but every Lot or Lots inclosed, shall be either paled in, or done with Posts and Rails set up.

IX. *AND* for a further Encouragement to the settling of the said Town; *Be it further Enacted*, by the Authority aforesaid, That all Elections of Burgeßes, or other Public Business and Affairs of the like Nature, properly belonging to the said Precinct of *Craven*, shall be taken and done within the aforesaid Town of *Newbern*.

C H A P. XIV.

An additional Act to an Act, intituled, Staple Commodities rated,
O B S.

C H A P. XV.

An Act, for incorporating the Sea Port of Beaufort, in Carteret Precinct, into a Township, by the Name of Beaufort.

Private,

I. **W** H E R E A S a certain Plot of Ground, being Part of a Tract of Land, in *Core-Sound*, late belonging to *Robert Turner*, Esq; but now the Property of *Richard Rustul*, Esq; was formerly laid out into a Township, by the Name of *Beaufort Town*, with proper Allotments for a Church, a Town-house, and a Market-place; as by a Draught thereof, upon Record in the Secretary's Office, doth, and may, more fully and at large appear: And whereas the true and absolute Lords Proprietors of *Carolina*, upon the Petition of the Inhabitants of

of *Core-Sound*, now called *Carteret Precinct*, have erected the same into a Sea Port, by the Name of *Port-Beaufort*, and have invested the same with all Privileges and Immunities belonging to a Sea Port: Therefore, for the Encouragement of the said Town, and the due Encouragement of the Trade and Commerce thereof, and the Parts adjacent,

A. D. 1723.

II. We pray that it may be Enacted, *And be it Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the Advice and Consent of the rest of the Members of this present General Assembly, now met at Edenton, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That the said Land, as it is already laid out, together with as much other Land lying contiguous and most convenient to the said Town to compleat a Township, as shall make the Whole Two Hundred Acres, reserving to the Owners thereof the Property of such Lots as were sold, in Fee-Simple absolute, by the said Turner, be, and it is hereby and henceforward invested in Richard Rustall, and Christopher Gale, Esqrs. John Nelson, Joseph Bell, and Richard Bell, or any Two of them, to and for the Uses aforesaid, and Declared, Confirmed, and Incorporated into a Township, by the Name of Beaufort, with all Privileges hereafter expressed, for ever.*

III. PURSUANT to which, *It is hereby Enacted, That the Places already laid out for a Church, a Town-house, and a Market-place, be reserved for those Uses; and that the rest of the Land not already laid out, be forthwith laid out into Lots of Half an Acre each, with convenient Streets and Passages, by the said Trustees, or any Two of them.*

IV. PROVIDED always, That the principal Streets in the said Town shall be Sixty Six Feet wide, at least.

V. AND be it further Enacted, by the Authority aforesaid, That the said Richard Rustall, Esq; shall be the present Treasurer and Receiver of the Monies arising by the Sale of the said Lots; and on his Death or Departure out of the Government, then the First Commissioner shall succeed, and be Treasurer for the Time being, he giving Security to the Justices of the Precinct Court, that he will be accountable for the Monies he shall receive, according to the Directions of this Act.

VI. AND be it further Enacted, by the Authority aforesaid, That every Person whatsoever who is willing or desirous to be an Inhabitant of the said Town, shall have Liberty to take up any Lot or Lots so laid out as aforesaid, and not before taken up; which Lot or Lots the Commissioners aforesaid, or any Two of them, are hereby directed, required, and impowered, to grant, convey, and acknowledge, to the Persons so taking up the same, and his Heirs and Assigns, for ever, in Fee-Simple, upon Payment of Thirty Shillings, Consideration-Money, for each Lot, whereof Twenty Shillings shall be paid to Richard Rustall, Esq; the Owner of the said Land, and to his Heirs and Assigns, and the other Ten Shillings shall be for the purchasing Great Guns, and for fortifying the said Town; and shall be paid, by the Treasurer afore-mentioned, into such Hands as the Governor or Commander in Chief for the Time being shall appoint to oversee the said Work.

VII. PROVIDED always, That what Person soever shall take up and have conveyed to him, any Lot or Lots as afore-mentioned, and shall not build, or cause to be built thereon, within Two Years after the Date of the said Conveyance, a good substantial habitable House, not of less Dimensions than Twenty Feet

A. D. 1723.

Feet in Length, and Fifteen Feet wide, besides Sheds, or make Preparation for so doing, as the Court of the Precinct, by View of any Two or more of them, shall judge reasonable to secure the same, every such Conveyance shall be, and it is hereby declared void and of none Effect, as if the same had never been made; and then the said Lot or Lots shall be free and clear for any other Person to take up and purchase.

VIII. *PROVIDED also*, That all Monies arising by the Second or other Sales of the said Lots, shall be, and is hereby appropriated to the Use of the Parish; first, for the building of a Church, and afterwards, to such other Uses as the Churchwardens and Vestry shall think fit.

IX. *AND be it further Enacted, by the Authority aforesaid*, That the Commissioners aforesaid, or any Two of them, shall have full Power and Authority, and they are hereby impowered, required, and commanded, to remove all Nuisances within the Limits of the said Town: And that no Persons, Inhabitants of the said Town, or holding Lots there, shall enclose the same, or keep the same enclosed in the said Town, under a common Stake-Fence; but every Lot or Lots so enclosed, shall be either paled in, or done with Posts and Rails set up.

X. *AND be it further Enacted, by the Authority aforesaid*, That the Church for the said Precinct of *Carteret*, hereafter declared to be the Parish of *St. John*, and the Court-house for the same, shall be built in the said Town: And the Justices of the said Precinct for the Time being, shall have full Power and Authority to levy, or cause to be levied, any Sum or Sums of Money, not exceeding One Hundred Pounds in the whole, upon the Inhabitants or Estates in the Precinct aforesaid, for and towards the erecting and building the Court-house afore-mentioned, as soon as the Circumstances of the Inhabitants will admit of raising the said Sum.

XI. *AND as a further Encouragement to the Settlement of the said Town; Be it further Enacted, by the Authority aforesaid*, That all Musters for the Precinct of *Carteret*, Elections of Burgesses, and all Business and Affairs of the like Nature which properly belongs to the said Precinct, shall be taken, done, and transacted within the said Town of *Beaufort*, and in no other Place or Places whatsoever.

XII. *AND be it further Enacted, by the Authority aforesaid*, That all Liquors which are, *bona fide*, the Growth, Product, and Manufacture of the Precinct of *Carteret*, shall and may be retailed in the said Town, for the Space of Ten Years next after the Ratification of this Act, by any Freeholder or Inhabitant of the said Town, without any License or other Permit for so doing; subject nevertheless to the several Penalties, Forfeitures, and Restrictions, as by the Law, intituled, *Ordinary-keepers how to sell*, are made and provided.

XIII. *AND be it further Enacted, by the Authority aforesaid*, That all Persons Possessors or Owners of Lots in the said Town, shall, and they are hereby obliged, within Two Years after the Ratification of this Act, to clear all such Lots held and possessed by them, from all Manner of Wood, Under-wood, Brush, or Grubs, that are or may be offensive to the said Inhabitants, and shall keep and maintain the same, from Time to Time, and at all Times hereafter, as often as Need shall require; under the Penalty of Five Shillings for every Month the said Lots shall lie uncleared after the Expiration of the Time aforesaid: To be recovered before One Justice of the Peace, and applied, one Half to the Informer, and the other Half to the Vestry, for the Use of the Parish.

XIV. *AND*

A. D. 1723.

XIV. *AND be it further Enacted, by the Authority aforesaid, That in Case of the Death or Departure out of the Government of any of the Commissioners aforesaid, the remaining Part of the Commissioners, together with the Justices of the Court, are hereby fully authoris'd and impow'ed to make Choice of some other Person or Persons to succeed such Commissioner or Commissioners so dying or departing, as aforesaid; which Person or Persons so elected and chosen, shall be, and they are hereby invested with as full Power and Authority, to all Intents and Purposes whatsoever, as the present Commissioners now herein nominated and appointed; that so the full Number of Commissioners may be always kept up and full.*

XV. *A N D whereas the said Town of Beaufort, and Parts adjacent, is made a Precinct, divided from Craven, by the Name of Carteret Precinct; Be it therefore Enacted, by the Authority aforesaid, That the said Precinct be, and it is hereby erected into a Parish, by the Name of St. John's Parish; and that the following Persons be, and they are hereby appointed Vestrymen of the said Parish, viz.*

<i>Christopher Gale, Esq;</i>	<i>Joseph Bell,</i>	<i>John Shaw,</i>
<i>John Nelson,</i>	<i>Richard Withurst,</i>	<i>Richard Williamson,</i>
<i>Richard Rustall,</i>	<i>John Shackleford,</i>	<i>Thomas Merriday,</i>
<i>Enoch Ward,</i>	<i>Joseph Fullford,</i>	<i>Charles Cogdail.</i>

Which said Vestrymen shall be, and they are hereby invested with all such Privileges and Authorities, and subject to the same Penalties and Forfeitures, within the said Parish, as in and by an Act, intituled, An Act, for establishing the Church, and appointing select Vestries, is and are given to the Churchwardens and Vestry of the severall and respective Parishes in the said Act mentioned.

XVI. *AND be it further Enacted, by the Authority aforesaid, That whosoever shall be found guilty of quarreling or fighting in the said Town or Township, or in any other Town or Township which now is, or hereafter shall be laid out within this Government, in the View of any Justice, or shall be thereof convicted, by the Oath of one credible Witness, shall forfeit and pay, for every such Offence, the Sum of Ten Shillings; and for Want of such Payment, shall suffer Twenty Four Hours Imprisonment in the common Goal, or else be set in the Stocks for the Space of Two Hours, at the Discretion of the Justice; provided that the Information be made within Twenty Four Hours after such Offence shall be committed: And in Case any Justice of the Peace shall neglect to do his Duty herein, either upon View, or Information to him made, he shall forfeit and pay the Sum of Twenty Shillings, to the Uses last above mentioned.*

S I G N E D by

WILLIAM REED, Esq; President.

T. Pollock,

Chr. Gale,

M. Moore,

John Lovick,

Lords Proprietors Deputies.

EDWARD MOSELEY, Speaker.



Anno Regni

GEORGE II,

Regis, Magnæ Britanniae, Franciæ, & Hiberniæ,
Primo.

At a General Biennial ASSEMBLY, held at *Edenton*, in
Chowan Precinct, the Sixth Day of November, One
Thousand Seven Hundred and Twenty Seven.

Sir RICHARD
EVERARD,
Governor.

CHAP. I.

An Act, to encourage the Tanning of Leather in this Province.

Rep. by Act,
Nov. 27, 1729.
Chap. 8.

CHAP. II.

An Act, for Regulating Towns, and Elections of Burgesses. REP.

CHAP. III.

An Act, to Regulate Trade in Bath County. REP.

CHAP. IV.

An Act, for encouraging and facilitating Navigation in this Province.
REP.

CHAP.

A. D. 1727.

C H A P. V.

An Act, to encourage Destroying of Vermin. E X P.

C H A P. VI.

An Act, for Enlarging and Confirming the Power of the Precinct Courts, and to prevent Actions and Indictments, of small Value, being brought in the General Court. E X P.

C H A P. VII.

Rep. all but the first 5 Sections, which are as follow.

An Act, to appoint the North-west Part of Bertie Precinct a distinct Parish, by the Name of the North-west Parish of Bertie Precinct, and for appointing Vestrymen for the said Parish; and to appoint Commissioners in every Parish in this Government, to call the Churchwardens and Vestry to Account, for the Parish Money by them received.

Private.

I. **W** H E R E A S many Inconveniencies attend the Inhabitants of Bertie Precinct, by Reason of the Largeness of the Parish, it including the whole Precinct:

II. *B E it therefore Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of this present General Assembly, now met at Edenton, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That the said Precinct be divided into Two Parishes, as follows: From the Mouth of Wrethann's Creek up the said Creek to the Head of Abatskey Swamp, from thence a direct Course to the Head of Bridger's Creek, thence down the said Creek to Roanoke River, and from thence, a South-west Course to the outer Inhabitants upon Fishing Creek.*

III. *A N D be it further Enacted, by the Authority aforesaid, That there shall be a Vestry appointed for the North-west Parish of Bertie, consisting of the Minister, (when any such shall be,) and the following Persons, viz.*

Major Barnabas Mackennie,	Capt. John Spann,	Mr. Joseph Lane, Sen.
Mr. Benjamin Hill,	Mr. Robert Simmons,	Mr. Richard Pace,
Mr. Arthur Williams,	Mr. John Due,	Capt. George Winn,
Mr. Edward Howard,	Mr. William Kinchen,	Mr. John Boude.

Which said Vestrymen are to be summoned, by the Provost Marshall, or his Deputy, to meet at the Church, Chappel, or Court-house, in the said Parish, within Forty Days after the Ratification of this Act; under the Penalty of Twenty Shillings for every Vestryman not summoned: To be recovered, by Bill, Plaint, or Information, in any Court of Record within this Government, and applied to the Use of the Poor of the Parish.

IV. *A N D be it further Enacted, by the Authority aforesaid, That if any such Vestryman, being summoned, shall fail to appear and qualify himself, as by Law is appointed, (unless he be a known Dissenter from the Church of England,) he*

he shall forfeit the Sum of Five Pounds; to be recovered, by Action of Debt Bill, Plaint, or Information, in any Court of Record within this Government and applied to the Uses above mentioned.

A. D. 1729.

V. *AND* be it further Enacted, by the Authority aforesaid, That the said Vestrymen shall have as full Power and Authority, as the Vestrymen have in an Act, intituled, *An Act, for establishing the Church, and appointing select Vestries.*

C H A P. VIII.

An Act, for Regulating the Act, For appointing indifferent Jurymen, and to Repeal that Part thereof as relates to Precinct Courts.

Rep. by Act,
April 6, 1748,
Chap. 8.

S I G N E D by

Sir RICHARD EVERARD, Governor.

Chr. Gale,

J. Lovick,

Edmond Gale,

Ed. Moseley,

Rich. Sanderson,

Robert West,

T. Pollock,

Thomas Harvey,

Lords Proprietors Deputies.

JOHN-BAPTISTA ASH, Speaker.

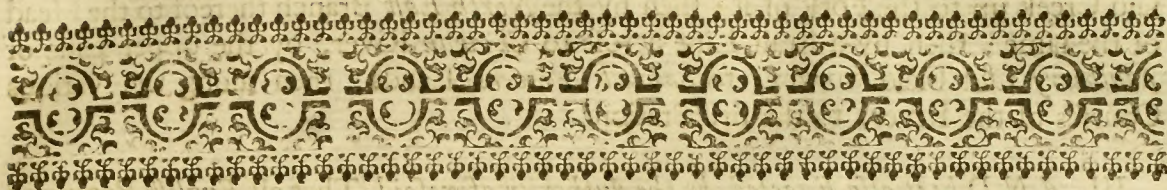


1858. A. D. 1858.

St. Richard Everard, Governor.

Chr. Gale,	J. Lavick,
Edmund Gale,	Ed. Moley,
Rich. Sanderson,	Robert Wells,
P. Pollock,	Thomas Harvey,

John-Baptist A. Ash, Speaker.
Lords Proprietors Deputies.



Anno Regni

GEORGE II,

Regis, Magnæ Britanniae, Franciae, & Hiberniae,

Tertio.

At a General ASSEMBLY, held at *Edenton*, in *Chowan* Precinct, the Twenty Seventh Day of November, in the Year of our Lord One Thousand Seven Hundred and Twenty Nine.

Sir RICHARD
EVERARD,
Bart. Governor.

CHAP. I.

An Act, for the making and emitting the Sum of Forty Thousand Pounds, Public Bills of Credit of North-Carolina. O B S.

CHAP. II.

An Act, for the more quiet settling the Bounds of the Meherrin Indians Lands.

I. **W**HERE AS Complaint is made by the *Meherrin Indians*, that the English People disturb them in their Settlements, by coming to inhabit and tend Corn among them; and also, that their Bounds allowed by Order of Council, dated *October* the Twenty Sixth, One Thousand Seven Hundred and Twenty Six, did not extend high enough up from the Fork of *Meherrin Neck*: For Remedy whereof,

II. *BE it Enacted*, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at *Edenton*, for the North East Part of the said Province, and by the Authority of the same, That the said Order of Council be vacated, and that the Indian Bounds and Limits shall be extended as followeth, viz. Beginning at the Mouth of *Meherrin River*, and so up the River

A. D. 1729.

to the Mouth of *Horse-Pasture* Creek, formerly called *Indian* Creek; then by the said Creek up to the Fork of it; then by the *North East* Branch thereof to the Head of the same; then by a strait Line across to *Chowan* River, by the upper Line of *Mulberry* Old Field Survey, to *Samuel Powers* Lands; then along the various Courses of the River, to the first Station.

III. *AND* be it also Enacted, by the Authority aforesaid, That all *English* People or any other, living in the said Bounds, shall move off, and that no Person but the said *Indians* shall inhabit or cultivate any Lands within the Limits aforesaid, while the said *Indians* remain a Nation, and live thereon: And if any Person shall offend against this Act, on Complaint made to Mr. *John Boude*, who is hereby appointed Commissioner for the said *Indians*, he shall grant his Warrant to the Constable, requiring him, with Aid, (if Need be,) to remove such Person, at or before the Twenty Fifth of *December* next ensuing; and any Person refusing to remove, shall be brought before the said Commissioner, and upon his Conviction of the same, shall forfeit, for the first Offence, Five Pounds: And if he still persist, and refuse to go off from the said Lands, after Warning from the Commissioner, or by his Order, for the Second Offence shall forfeit the Sum of Ten Pounds, and for the Third Time of his so offending, shall forfeit Twenty Pounds, and Two Months Imprisonment, and give Security for his or their good Behaviour: To be recovered, by Bill, Plaint, or Information, in any Court of Record in this Government; wherein no Essoign, Protection, or Wager of Law, shall be allowed or admitted of.

IV. *AND* be it further Enacted, by the Authority aforesaid, That the said Commissioner is hereby impowered and ordered to reinstate and settle the said *Indians*, in giving them peaceable Possession of the said Lands, and to turn off any other Person or Persons inhabiting within the said Bounds, unless such Person have special Leave from the Governor and Council, for continuing thereon; provided that this Act shall not invest the Fee-Simple of the said Lands in the *Indians*, but such as have Patents for the same, or any Part thereof, their Title shall be good and valid; neither shall the said *Indians* have Liberty or Leave to rent, sell, or any ways dispose of the said Lands.

C H A P. III.

An Act, to make Hyde Precinct separate from Beaufort Precinct, with Power of erecting a Court-house, and holding Courts.

Private.

I. **W**HEREAS the Precinct of *Hyde* being united to *Beaufort* Precinct, is found very inconvenient for the Inhabitants of *Hyde* Precinct to travel to *Bath* Town, where the Courts are now held:

II. *BE* it therefore Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of this General Biennial Assembly, now met at *Edenton*, for the North East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That, for the future, *Hyde* Precinct shall be separate, in all Respects, from *Beaufort* Precinct, with Power of having a Court and Court-house erected in the said Precinct, and other Powers and Privileges to a Precinct belonging; and that the Justices to be appointed for the said Precinct, shall be, and are hereby invested with full Power to purchase Ground for erecting the said Court-house, in the same Manner as by Law in such Cases is already provided: And to the End, that the same may be built in the most convenient Place for the Inhabitants of the said

said Precinct, the Justices thereof are hereby directed to cause the said Court-house to be erected at or near *William Webster's* Plantation; and also, to cause a Poll-Tax, not exceeding Ten Shillings *per* Poll, to be levied, in such Manner as by Law is already provided in such Cases, for defraying the Charges of buying the said Land, and building a Court-house. A. D. 1729.

C H A P. IV.

An Act, to appoint that Part of Albemarle County, lying on the South Side of Albemarle Sound, and Morattuck River, as high as the Rainbow Banks, to be a Precinct, by the Name of Tyrell Precinct.

I. **W**HEREAS that Part of *Albemarle* County, lying on the South Side Private. of *Albemarle* Sound, and *Moratuck* River, as high as the *Rainbow* Banks, includes Part of the several Precincts hereafter named, *viz.* *Chowan*, *Pasquotank*, *Bertie*, and *Currituck*; and whereas the great Weadth of the said Sound, and also the great Distance from the several Precinct Courts, renders it almost impracticable for the Inhabitants of those Parts to attend their Courts as aforesaid:

II. Wherefore, *Be it Enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of this present General Assembly, now met at Edenton, for the North East Part of the said Province, and by the Authority of the same,* That that Part of *Albemarle* County, lying on the South Side of *Albemarle* Sound, and *Moratuck* River, being Part of the several Precincts before mentioned, bounded to the Westward by *Thomas Hoskins's* upper Line, beginning at his upper Corner Tree, on *Rainbow* Banks, on *Moratuck* River, and by a Line running South from his outer Corner Tree, to the Southward by the Bounds of *Albemarle* County, to the Eastward by the Sound, between *Roanoak* Island, and *Croatan*, and to the Northward by *Albemarle* Sound and *Moratuck* River, as high as the *Rainbow* Banks, in *Moratuck* River, shall be, and the same is hereby declared to be erected into a Precinct, by the Name of *Tyrell* Precinct, in *Albemarle* County, with all and every the Rights, Privileges, and other Benefits and Advantages whatsoever, which any other Precinct in *Albemarle* County can or may have, use, or enjoy.

III. *AND be it further Enacted, by the Authority aforesaid,* That the Election for Representatives for the said Precinct, shall always be at the Court-house for the said Precinct, or such Places as shall be appointed for the building the said Court-house therein.

IV. *AND* whereas by an Act, intituled, *An Act, for settling the Precinct Courts and Court-houses*, it is therein provided in what Manner the Land should be purchased, on which to build Court-houses in the several Precincts:

V. *BE it Enacted, by the Authority aforesaid,* That the Justices to be appointed for the said Precinct of *Tyrell*, shall observe the same Method prescribed by the said Act, and shall cause the Court-house for the said Precinct to be built on the Land of *William Downing*, or that of *William Fraley*, on *Kendrick's* Creek, as near as may be to the Bridge now called *Fraley's* Bridge.

VI. *AND* whereas Part of the above now Precinct was formerly made a distinct Parish, by the Name of the *South* Parish of *Chowan*;

A. D. 1729.

VII. *BE it Enacted*, That the whole Precinct now appointed by the Name of Tyrell Precinct, be, and is hereby Erected into one Parish, by the Name of *St. Andrew's*; and that the same Vestry be continued in the said Parish of *St. Andrew's*, which now is appointed to the said South Parish of *Chowan*, with all and every the Rights and Privileges, and other Benefits and Advantages whatsoever, which any other Parish in *Albemarle* County can or may have, use, or enjoy.

VIII. *PROVIDED* nevertheless, That it is not hereby intended, that the said Precinct shall send more than Two Burgesses at present, to sit in General Assembly, without it shall appear that there is three hundred Tythables in the said Precinct; and in such Case, it shall and may send three Burgesses; and so as it shall increase in Number of Tythables, it shall send one Burgess for every Hundred more, so as not to exceed Five Representatives in the whole.

C H A P. V.

See Act passed
1715, Chap. 44.

An additional Act to an Act, for appointing Toll-Books, and for preventing People from driving Horses, Cattle, or Hogs, to other Persons Lands.

Preamble.

I. **W**HEREAS in and by the said Act, the Remedy appointed for recovering the Penalty of Twenty Pounds for the Inhabitants of any other Government's Cattle, Horses, or Hogs, ranging on Peoples Land in this Government, is by Distress to be made by the Toll-keeper or Ranger, but no Method appointed for despoising such Distress or Proceedings thereon:

Proceedings to be
had on distrained
Stock.

II. *BE it therefore Enacted*, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of this General Assembly, now met at Edenton, for the North-East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That when such Distress is made, or which may hereafter be made, by the Owner of the Land, as well as the Officers aforesaid, the Stock so distrained shall be kept Four Days, unless sooner redeemed or replevied by the Owner, who, on paying the Penalty, and the reasonable Charges, shall have them at any Time within Four Days after Seizure; otherwise, after the Expiration of the said Four Days, they shall be appraised by Three indifferent Freeholders, to be appointed and sworn by some Magistrate, and the Property shall be immediately vested in the Person or Persons seising the same, he or they returning the said Appraisment to the Clerk of the Precinct Court, with an exact Account of the Marks or Brands of such Horses, Cattle, or Hogs, which shall be set up at the Court-house the next Court; and any Person proving the Right to such Cattle, Horses, or Hogs, at any of the Four next Courts in the said Precincts, after such Return of that Appraisment, having given the Distrainer Notice, shall have an Order or Judgment of the said Court for the Overplus, according to the Appraisment, the Penalty and Charges deducted.

Penalty how to
be recovered.
Guardian, &c.
not to be excluded.

III. *AND be it further Enacted*, by the Authority aforesaid, That the Penalty of Ten Pounds in the said Act for appointing Toll-Books, may be recovered by Distress in like Manner; provided that no Guardian or Executor shall be excluded by the said Act from bringing any Stock, under their Care, on their Land.

Foreigners Stock
found on Lands
in this Province,
deemed to be

IV. *AND be it further Enacted*, by the Authority aforesaid, That the Stock of any Inhabitant of another Government being found on Peoples Land in this Government, contrary to the said Act, shall be deemed to be driven thither by the Owners,

Owners, unless it can be proved they strayed by some unavoidable Accident, and were pursued, and have not ranged above Four Days, provided such Distress be made Four Miles to the *Southward* of the Line betwixt this Government, and *Virginia*.

A. D. 1729.
driven thither,
unless otherwise
proved.

V. *AND* be it further Enacted, by the Authority aforesaid, that no Person within this Government, shall presume to hunt, drive, or kill any Stock, Deer, or Game, on any Persons Land within this Government, except Neighbours whose Lands are very near adjacent, without Leave first had and obtained from the Owner of the said Land whereon he or they shall be found ranging or hunting, contrary to this Act, under the Penalty of Five Pounds for each and every Time he or they shall be found ranging; the one half to the Owner of the Land, the other Half to the Informer: To be recovered by a Warrant from two Justices, whereof one to be of the *Quorum*; which said Justices are hereby empowered finally to hear and determine the same.

No Person shall drive, hunt, or kill any Stock, Deer, or Game, on others Lands, without Leave, on Penalty of 5 l. one half to the Owner, and the other to the Informer.

VI. *AND* be it further Enacted, by the Authority aforesaid, That no Ranger or other Person, on any Pretence, shall range or hunt, kill or take up, any unmarked Cattle, Horses, or Hogs, on other Persons Lands, without Leave of the Owner of such Land or Lands; any Law, Usage, or Custom; to the contrary, notwithstanding: But that every Person shall have free Liberty to take up and kill all such unmarked Cattle, Hogs, and Horses, as he shall find running on his own Land, and the same to convert to his own Use, unless the Property thereof be proved within Three Months, by any Person claiming the same; who, paying for the taking up, shall have the said Beast, or its Value, as it is in the Law directed for Rangers.

No Ranger shall take up any unmarked Cattle, &c. without Leave from the Owner of the Land; but such Owner may convert them to his own Use, unless the Property be proved in three Months.

VII. *AND* whereas great Damages are frequently done, by Slaves being permitted to hunt or range with Dogs or Guns: For Prevention whereof, *Be it Enacted, by the Authority aforesaid*, That it shall not be lawful for any Slave, on any Pretence whatsoever, to go, range, or hunt on any Person's Land other than his Masters, with Dog or Gun, or any Weapon, unless there be a white Man in his Company; under the Penalty of Twenty Shillings, to be paid by his Master, for every Offence, unto the Owner of the Land whereon such Slave shall range or hunt; and that no Slave shall travel from his Master's Land by himself to any other Place, unless he shall keep the most usual and accustomed Road: And if any Slave shall offend contrary hereto, it shall be lawful for the Owner of the Land whereon any Slave shall be found, to give him a severe Whipping, not exceeding Forty Lashes: And if any loose, disorderly, or suspected Person, be found drinking, eating, or keeping Company with Slaves in the Night Time, such Person shall be apprehended and carried before a Justice of the Peace; and if he cannot give a good and satisfactory Account of his Behaviour, such Person shall be whipped, at the Discretion of the Justice, not exceeding Forty Lashes.

No Slave to hunt on any Land but his Master's, except in Company with a white Man; nor travel from his Master's Land without keeping the main Road; on Penalty of being whipped.

If any disorderly Person be found in Company with Slaves, and cannot give a good Account of himself, he shall be whipped.

VIII. *AND* for the better suppressing of Negroes travelling and associating themselves together in great Numbers, to the Terror and Damage of the white People; *Be it Enacted, by the Authority aforesaid*, That if any Negro or Negroes shall presume to travel in the Night, or be found in the Quarters or Kitchens among other Persons Negroes, such Negroes so found shall receive Correction, not exceeding Forty Lashes, as aforesaid; and such Negroes in whose Company they shall be found, shall receive Correction, not exceeding Twenty Lashes.

Negroes traveling in the Night, or found in Kitchens, to be whipped.

IX. *PROVIDED* always, That nothing in this Act shall be construed to prevent any Person from sending his Slaves on his lawful Business, with a Pass, in Writing; nor to hinder Neighbours Negroes intermarrying together, so that License being first had and obtained of their several Masters.

Provide.

A. D. 1729.

C H A P. VI.

See Act passed
1723, Chap. 4.*An Act, for the more effectual and speedy putting in Execution the Act
for settling the Title and Bounds of Peoples Lands.*

Preamble.

I. **W** H E R E A S the said Act for the Proceffioning Peoples Lands, altho' very necessary for the ascertaining Peoples Bounds, and preventing Disputes hereafter, hath not been duly and effectually put in Execution: Wherefore, that the said Law may, for the future, be better observed;

Vestries to divide
their Parishes in-
to Cantons, and
appoint 2 Free-
holders to pro-
cession the Lands,
on Penalty of 5 l.

II. *B E it Enacted; by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Edenton, for the North East Part of the said Province, and it is hereby Enacted, by the Authority of the same,* That the several and respective Vestries, when summoned to meet for that Purpose by the Churchwardens, shall, without any Order of Court, divide the Parish into convenient Cantons, and appoint Two able honest Freeholders in each Canton, to procession the Lands within the same; and that the Churchwardens in each Parish, shall, immediately after the First Day of *March* next, summon the Vestry to meet for that Purpose, under the Penalty of Five Pounds for each Churchwarden neglecting the same; and the Clerk of the Parish shall, after such Appointment by the Vestry, immediately give Notice to the said Freeholders appointed in each Canton, and of their respective Divisions, under the Penalty of Five Pounds for every Canton so neglected; for which Notice the said Vestry shall allow the said Clerk Twenty Shillings out of the Parish Monies; and the Freeholders so appointed, on Notice given them, shall forthwith (being first sworn to act justly and impartially, to the best of their Knowledge,) procession Peoples Land, as in and by the said Act is already provided, under the Penalty of Five Pounds each; and the several Penalties by the said Act, and hereby provided, shall be recovered and received by the Churchwardens only, and to the Use of the Parish: And any Churchwarden failing in their Duty by the said Act provided, or hereby required, shall be answerable for their Penalties in their Accompts with the Vestry; and if they do not receive or prosecute the Penalties forfeited by any others for not performing their Duties in the said Act, or hereby provided, such Churchwardens shall be answerable for the same themselves, in their Accompts with the Vestry.

Clerk to give
Notice to the
Freeholders.

Freeholders to
procession, upon
Oath, on Penal-
ty of 5 l.
Penalties to be
received by the
Churchwardens,
to the Use of the
Parish.

Where Bounds
are not known,
Surveyor to run
them out.

III. *AND be it further Enacted, by the Authority aforesaid,* That where the Bounds cannot be fully ascertained by such Freeholders appointed, they shall make Return thereof accordingly, that in such Cases the Surveyor may be ordered to run the Bounds, at the Charge of both Parties, in the same Manner as is before in the said Act provided to be done, where one Party utterly refuses to have his Lands processioned.

C H A P. VII.

See Act passed
1745, Chap. 9.*An Act, to confirm Bath-Town Common.*

Preamble.

I. **W** H E R E A S a Tract of Land, adjacent to *Bath-Town*, was granted and surveyed for a Common for the Use of the said Town, and is bounded as followeth, *viz.* Beginning at a marked Pine at the *East* Branch of the Old Town Creek, running up Captain *Barrow's* Line to a Bound Oak, *West* Eight Degrees

Degrees North, Two Hundred Pole; thence to a marked Pine at *David Perkins's* Corner, North Eight Degrees East, One Hundred and Three Pole; thence to a Hickory at the Branch, North Ten Degrees East, One Hundred and Seventy Two Pole; thence down the Windings of the Branch and Creek to the first Station; which said Land contains One Hundred and Forty Five Acres, but the Title thereof hath never been fully confirmed:

A. D. 1729.

II. *BE it therefore Enacted, by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of Carolina, by and with the Advice and Consent of the rest of the Members of this General Biennial Assembly, now met at Edenton, for the North East Part of the said Province, and it is hereby Enacted, by the Authority of the same, That the said Land shall be, and is hereby appointed a Common, to lie perpetually for the Use and Benefit of the Inhabitants of Bath-Town, under such Restrictions and Regulations as is or shall be appointed for Town Commons; and that the Inspection and immediate Care of looking after the said Common, be in the Commissioners of the said Town for the Time being.*

Bath-Town
Common con-
firmed.

C H A P. VIII.

An Act, to Repeal the Act, intituled, An Act, for Encouragement of Tanning Leather in this Province. O B S.

C H A P. IX.

An additional Act to the Act, For the Tryal of small and mean Causes.

Rep. by Act,
April 4, 1741.
Chap. 15.

C H A P. X.

An Act, for regulating Vestries in this Government, and for the better inspecting the Vestrymen and Churchwardens Accompts of each and every Parish in this Government.

Rep. by Act,
April 4, 1741.
Chap 23. ex-
cept that Part
which erects
New-Hanover
into a Precinct.

S I G N E D by

Sir RICHARD EVERARD, Governor.

Chr. Gale,

J. Lovick,

Edmond Gale,

Ed. Moseley,

Rich. Sanderson,

Robert West,

T. Pollock,

John Paulin,

J. Worley,

Lords Proprietors Deputies.

THOMAS SWANN, Speaker.

Thomas Swann, Speaker.
Lords Proprietors Deputies.



Anno Regni

GEORGE II,

Regis, *Magnæ Britanniae, Franciæ, &
Hiberniæ, Octavo.*

At a General ASSEMBLY, held at *Edenton*, in *Chowan*
Precinct, in the Year of our Lord One Thousand Seven
Hundred and Thirty Four.

GABRIEL
JOHNSTON,
Esq; Governor.

CHAP. I.

An Act, for Stamping and Exchanging the present Bills of Currency of this Province, and for the better explaining An Act of the General Assembly, passed the Twenty Seventh Day of November, One Thousand Seven Hundred and Twenty Nine, intituled, An Act, for making and emitting the Sum Forty Thousand Pounds, Public Bills of Credit of North-Carolina. O B S.

CHAP. II.

An Act, for Repealing a Clause in an Act, intituled, An Act, relating to Biennial and other Assemblies, which impowers Freemen of the several Precincts to vote for Members of Assembly, and declaring what Persons shall be qualified to vote for Members to sit in General Assembly, and also Qualification of Members for the future.

Rep. by Act,
April 2, 1743.
Chap. I.

A. D. 1734.

C H A P. III.

Rep. by Act, *An Act, for reviving an Act, intituled, An additional Act to the Act,*
 April 4, 1741.
 Chap. 15. *for Tryal of small and mean Causes.*

C H A P. IV.

An Act, for laying a Duty on Liquors, for and towards defraying the contingent Charges of the Government; and to make a Poll-Tax on the poorer Inhabitants more easy. E X P.

C H A P. V.

An Act, to ascertain the Allowance of His Majesty's Council, and the Members of Assembly of this Province. E X P.

C H A P. VI.

An additional Act to the Act, concerning Roads and Ferries.

See Act passed
 1715, Chap. 36.

Preamble.

I. **W**HEREAS by the aforesaid Act, the several Precinct Courts in this Province, are invested with Power and Authority to settle Ferries, to lay out Roads, to appoint Surveyors thereof, and to direct where Bridges are to be made, in their several Precincts; and likewise to order Fines and Penalties to be levied on such Persons as shall refuse or neglect to work thereon; which Fines and Penalties to be levied on such Persons so refusing or neglecting, being very small, and the Method of levying or recovering of them so tedious, that the Intention of the aforesaid Act is greatly defeated: For Prevention whereof for the future, and the better to enable the said Court, the several Members thereof, and the Persons that are by them appointed, to execute and perform their several Offices and Duties;

Court of each
 Precinct to com-
 pell Ferry-keep-
 ers to give Secu-
 rity, to keep
 their Ferries
 well attended.

II. WE Pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province,* That from and after the Ratification of this Act, the Court of each and every Precinct within this Province, shall have full Power and Authority, and they are hereby authorized and empowered, to compell all Persons that now do, or hereafter shall be allowed and appointed to keep any Public Ferries in any of their several and respective Precincts, to give good and sufficient Security, in the Sum of One Hundred Pounds, Current Money, payable to his Majesty, his Heirs and Successors, with Condition, That he or they shall and will constantly find, provide, and keep good sufficient Boats, or other proper Crafts, in good Repair, always to be well attended, for Transportation of Travellers, their Horses, Cattle, Carts, or Carriages: And if any Person shall presume, for Hire or Reward, to transport, carry, or convey any Travellers or Persons, their Horses, Cattle, Carts, or Carriages, over any River or Creek, within Ten Miles of any Ferry heretofore appointed, or that may and shall hereafter be appointed and established, as aforesaid, on the same River or Creek where
 such

No Person to
 transport Horses,
 &c. for Fee,
 within 10 Miles
 of a Ferry, on

such Ferry is appointed, the said Person or Persons so offending shall forfeit and pay the Sum of Five Pounds for every such Offence; to be recovered, by a Warrant from Two Justices of the Peace, in the Precinct where the same shall be committed; one Half to the Party injured, and the other Half to him or them that shall sue for the same: Any Thing in the aforesaid Act to the contrary, in any-wise, notwithstanding.

A. D. 1734.

Penalty of 5 l.

III. *AND be it further Enacted, by the Authority aforesaid,* That any Surveyor of the Roads for the future, that shall refuse to act when so appointed, or shall neglect or refuse to do his Duty, after Notice given, as in and by the aforesaid Act is directed, unless hindered by extreme bad Weather, such Surveyor shall forfeit and pay, for every such Offence, the Sum of Ten Pounds; to be recovered by a Warrant from Two Justices of the said Precinct where such Offence shall be committed, over and above the Damages which shall be sustained by any Person or Persons that shall or may be injured by such Neglect: Which Damages shall and may be recovered, by Action, Bill, Complaint, or Information, in any Court of Record in this Province: And the said Surveyors having duly summoned, or caused to be summoned, all the Male Tithables in his or their several Districts, as in the aforesaid Act is directed, (excepting such Persons as are therein and thereby exempted from working on the Roads,) upon their Neglect or Refusal to do and perform such their Service, and on being summoned before the next Magistrate, (unless he can then shew a reasonable Cause for such his Neglect or Refusal, to be allowed of by the said Magistrate,) he or they so offending shall forfeit and pay the Sum of Ten Shillings, for every Day's Neglect or Refusal, with Costs; to be recovered and levied by an Order from the said Magistrate, instead of the Fine of Five Shillings therein mentioned: Which said Fine of Ten Shillings shall be applied as in and by the aforesaid Act is directed.

Surveyor refusing to Act, unless hindered by bad Weather, to forfeit 10 l. and liable for all Damages.

Persons refusing to work on Roads after summoned, to forfeit 10 s. for every Day's Neglect.

IV. *AND be it further Enacted, by the Authority aforesaid,* That upon proper Application made to any of the Precinct Courts in this Province, for clearing of navigable Creeks in any of their several Precincts, it shall and may be lawful for the said Courts, and they are hereby authorised and impowered, to appoint such Surveyors of the Roads as live most convenient and contiguous to such Creeks, with their Companies, to do and perform the same, at some convenient Season that shall happen, within One Year after such Application; and upon Neglect or Refusal of such Surveyor or Company, or any of them, to do and perform such Work and Service, after due Notice, upon due Proof thereof, he or they so refusing or neglecting, shall be liable to the same Fines and Forfeitures as for Neglect or Refusal of their Service on the Roads; to be recovered and applied as is herein before expressed: Any Law, Usage, or Custom, to the contrary, in any-wise, notwithstanding.

Precinct Courts to appoint Surveyors to clear Rivers & Creeks.

Liable to the same Penalties for Neglect, as for not working on the Roads.

V. *AND be it further Enacted, by the Authority aforesaid,* That from and after the Ratification of this Act, every Surveyor of any Road within the County of Albemarle, shall forthwith cause the Road whereof he is Surveyor, or for any Road hereafter to be laid out, to be cleared, Twenty Feet clear of all Trees; and every Causeway or Bridge within his District, to be Ten Feet wide.

Roads to be cleared 20 Feet wide, and 10 Feet Causeways.

VI. *AND be it further Enacted, by the Authority aforesaid,* That nothing contained in this Act shall affect or make void any Thing in an Act, passed this present Session, Concerning Roads, &c. for the County of Bath.

Not to affect the Act concerning Roads in Bath County.

A. D. 1734.

C H A P. VII.

An Act, for laying out, making, altering, and keeping in Repair, the several Roads and Highways within the several Precincts of the County of Bath, and for building Bridges, and cleansing and keeping clean the several Rivers and Creeks within the same. R E P.

C H A P. VIII.

An Act, to Confirm and Establish the Precincts of Onslow and Bladen, and for appointing them distinct Parishes.

Private.

I. **W** H E R E A S by an Act, intituled, *An Act, for regulating Vestries in this Government, and for the better inspecting Vestrymen and Churchwardens Accounts of each and every Parish in this Government*, it is Enacted, That the Southern Part of this Province shall be erected into a Precinct, by the Name of *New-Hanover Precinct*, and bounded to the Northward by the *Haulover*, and *Little Inlet*, and to the Southward by the Southernmost Bounds of the Province; and as the Precinct of *New-Hanover* is now become very populous, and the Extent thereof being found too incommodious to many of the Inhabitants thereof, particularly those of *New-River*, and the upper Part of the *North-west River* :

II. W E therefore pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of His Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same*, That a Precinct be erected at *New-River*, by the Name of *Onslow Precinct*; and that the said Precinct be bounded to the Northward by *Whiteoak River*, from the Mouth to the Head thereof; and to the Southward, by a Creek that comes out of the Sound, and comes across *New-River Road*, called the *Bay-Swamp*, or *Beasley's Creek*.

III. *AND be it further Enacted, by the Authority aforesaid*, That the upper Part of the *Northwest River* be erected into a Precinct, by the Name of *Bladen Precinct*; and that the said Precinct be bounded to the Southward as follows, *viz.* Beginning at the Mouth of *Livingston's Creek*, and bounded by the said Creek to the Head thereof; and then, by a *West Line*, to the Bounds of the Government; and that the said Precinct be bounded to the Northward by *Black-River*, as follows, *viz.* Beginning at the Mouth of the said River, and bounded by the Main River up to the Fork, and that then the *Westermost Branch* be the Bounds to the Head thereof.

IV. *AND be it further Enacted, by the Authority aforesaid*, That the said Precinct of *Onslow* be a distinct Parish, by the Name of *St. John's Parish*, and shall have all the Rights and Privileges that any other Parish in this Government now holds or enjoys.

VI. *AND be it further Enacted, by the Authority aforesaid*, That each of the abovesaid Precincts are hereby invested with the same Powers and Privileges, as any other of the *Southern Precincts* have and enjoy.

VII. *AND*

A. D. 1734.

VII. *AND be it further Enacted, by the Authority aforesaid, That the Justices of the aforesaid Precincts shall have full Power and Authority to appoint a Place for a Church, Court-house, and Prison; and to Tax all taxable Persons in the said Precincts; for raising a Sum of Money sufficient to defray the Charges of the above Public Buildings, pursuant to an Act, intituled, An Act, for settling Precinct Courts and Court-houses.*

VIII. *AND whereas there hath been several Courts held in the Precinct of Onslow, by a Commission from the late Governor, George Burrington, Esq; therefore, Be it Enacted, by the Authority aforesaid, That all Proceedings of that Court, (saving the Right of Appeal) are hereby declared good and valid.*

IX. *AND be it further Enacted, by the Authority aforesaid, That the Precinct of Bladen is hereby erected into a Parish, by the Name of St. Martin's Parish: But whereas the said Parish is in Arrear of Parish Money to the Vestry and Churchwardens of St. James's Parish, to which they formerly belonged; therefore, It is hereby Enacted, That the Arrear aforesaid shall be paid to the Vestry or Churchwardens of St. James's Parish: And if any Person shall neglect or refuse to pay the same, it shall and may be lawful for the Vestry or Churchwardens to take such Ways and Means to recover the same as the Laws of this Province direct them to have, within the Parish of which they are the Vestry and Churchwardens.*

C H A P. IX.

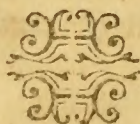
An Act, for granting to His Majesty, the Sum of Fourteen Thousand One Hundred and Fifty Pounds Three Shillings and Two Pence, for the Service of the Public of this Province, and for laying a Tax on the Inhabitants of the same for the Payment thereof; and for Stamping the Sum of Ten Thousand Pounds, Bills of Credit, for the more immediate Discharge of Part thereof. O B S.

S I G N E D by

GABRIEL JOHNSTON, Esq; Governor.

William Smith, President.

WILLIAM DOWNING, Speaker.



A. D. 1738.



Anno Regni

GEORGE II,

Regis, *Magnæ Britanniae, Franciæ, &*
Hiberniæ, Duodecimo.

At a General A S S E M B L Y, held at *Newbern*, the Sixth Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Thirty Eight.

GABRIEL
JOHNSTON,
Esq; Governor.

CHAP. I.

An Act, for providing His Majesty a Rent-Roll, for securing His Majesty's Rents, for the Remission of Arrears of Quit-Rents, and for quieting the Inhabitants in their Possessions; and for the better Settlement of His Majesty's Province of North-Carolina.

Repealed by his
Majesty's Order,
in Council.

CHAP. II.

An Act, to prevent the Concealment of Tithables in the several Counties within this Province, for declaring what Persons shall be deemed Tithables, and for defraying the standing and contingent Charges of Government, and appointing Public Treasurers for this Province; and for granting to His Majesty a Poll-Tax of Five Shillings per Head, to be levied on the Tithable Inhabitants of this Province.

Rep. by A.R.,
April 2, 1743.
Chap. 2.

CHAPTER.

A. D. 1738.

C H A P. III.

An Act, for appointing Sherifs in the Room of Marshals of this Province, for prescribing the Method of appointing them, and for limiting the Time of their Continuance in Office, and directing their Duty therein, and for abolishing the Office of Provost-Marshal of this Province; and for altering the Names of the Precincts into Counties.

Preamble.

I. **W**HEREAS the Office of Provost-Marshal hath been found to be very inconvenient in this extended Province, the Deputy Marshals not only neglecting, but frequently refusing to do their Duty, to the great Delay of Justice, which hath occasioned great Murmurs and Discontents among the Inhabitants of this Province: For Remedy whereof, and to the End that Justice may be more effectually administred, and that Sherifs may be appointed in each and every County within this Government;

County Court every 2 Years, to recommend 3 Persons to the Governor, to be Sheriff.

Repealed as to being Justices, 1745, Chap. 5.

II. **W**E Pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same,* That the Court that shall be held in each and every County next after the Ratification of this Act, and successively at the said Courts every Two Years, shall be recommended to the Governor or Commander in Chief of this Province for the Time being, Three such Persons (being Justices in the same County Court) as they shall think most fit and able, to execute the Office of Sheriff for their respective Counties, for the Two then next succeeding Years; of which Three Persons so recommended, the said Governor or Commander in Chief shall accordingly commissionate such one as to him shall seem meet for the said Office of Sheriff within such County, for the Two next ensuing Years after such Nomination; during which Time the said Sheriff shall not act as a Justice of the Peace in that County.

This Clause Repealed, 1745, Chap. 2.

III. **A**ND *be it further Enacted, by the Authority aforesaid,* That no Person shall, at any Time hereafter, be capable to execute or enjoy the Office of Sheriff for any County within this Province, unless such Person, at the Time of his entering into and upon the said Office of Sheriff, shall be a Justice of the Peace in the same County; neither shall it be lawful for any Person to execute or enjoy the said Office for any longer than Two Years, next succeeding each other.

Sheriff to give Bond, in 500 l. Sterling.

Bond to be taken by the Court, & recorded.

IV. **A**ND *be it further Enacted, by the Authority aforesaid,* That when any Person shall have obtained a Commission for the Office of Sheriff of any County, before he shall be admitted to take the Oath of a Sheriff, or shall enter upon the Execution of his said Office, he shall, at the Court of his County, enter into Bond, to our Sovereign Lord the King, his Heirs and Successors, with Two good and sufficient Securitists, in the Sum of at least Five Hundred Pounds *Sterling*, for his true and faithful Performance of his Office: Which Bond the said County Court is hereby impowered and required to take, and cause to be acknowledged before them in open Court, and recorded in the Records of the County; and shall also, besides taking the Oaths appointed by Law for Public Officers, take the following Oath:

Sherifs Oath.

I A. B. do solemnly swear, *That I will truly and faithfully execute the Office of Sheriff of the County of C. to the best of my Skill and Ability, agreeable to Law; and that I will not take or receive any Bribe from any Person for returning any Man to serve as a Juror on any Jury, or for making false Returns of Writs, during the Time I shall continue in the said Office.*

So help me God.

V. **A**ND

A. D. 1738.

V. *AND be it further Enacted, by the Authority aforesaid,* That every Person hereafter commissioned to be a Sheriff, for any County within this Province, upon a Recommendation of the County Court, in Pursuance of this Act, and thereupon refusing to accept the Office of Sheriff, and to perform the Duty thereof, shall forfeit the Sum of Eight Pounds, Proclamation Money, payable to the next succeeding Sheriff; to be recovered as other Fines and Forfeitures in this Act directed.

Persons refusing to act, to forfeit 8 l. to the next Sheriff.

VI. *AND be it further Enacted, by the Authority aforesaid,* That if any County Court shall hereafter neglect or refuse to recommend Three Persons to be Sheriffs, according to the Directions of this Act, it shall and may be lawful, in such Cases, for the Governor or Commander in Chief of this Province for the Time being, and he is hereby impowered, to appoint, by his Commission, any one Person, nominated a Justice of the Peace for the said County, as he shall think proper, tho' such Person be not then sworn a Justice; and if such Person shall hereafter refuse to accept the Sheriff's Office, and to perform the Duty thereof, pursuant to his Commission, he shall forfeit the Sum of Eight Pounds Proclamation Money; to be paid as aforesaid.

County Court neglecting to recommend, Governor may appoint.

VII. *AND be it further Enacted, by the Authority aforesaid,* That if any Person, being one of the Three Persons recommended by the Justices of the County, and appointed Sheriff in Pursuance of the said Act, shall happen to die in the Time of his Sherifalty, it shall and may be lawful, in such Case, for the Governor or Commander in Chief of this Province for the Time being, and he is hereby impowered, to appoint one of the Survivors recommended as aforesaid, to be Sheriff in his Room: And when any Sheriff appointed upon a Neglect or Refusal of the County Court to recommend Three Persons, according to the Directions of this Act, shall happen to die in the Time of his Sherifalty, it shall be lawful for the Governor or Commander in Chief for the Time being, and he is hereby impowered, to appoint, by his Commission, any one Person nominated a Justice in the Commission of the Peace, altho' such new-appointed Person be not sworn a Justice: And whatsoever Person so appointed Sheriff upon the Death of another, shall refuse to accept the Office of Sheriff, and perform the Duty thereof, pursuant to his Commission, he shall forfeit the Sum of Eight Pounds Proclamation Money; to be recovered and paid as aforesaid.

Sheriff dying, Governor to appoint another of those recommended.

VIII. *PROVIDED always,* That no Member of his Majesty's Council, a Member of the House of Assembly, or elected as such tho' acting as a Justice of the Peace, shall be obliged to execute the Office of Sheriff; any Thing contained in this Act to the contrary, notwithstanding.

Members of Council, or Assembly, not to be Sheriff.

IX. *AND be it further Enacted, by the Authority aforesaid,* That all Fines and Forfeitures mentioned in this Act, not otherwise applied, shall be to our Sovereign Lord the King, his Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof; and shall and may be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, in any Court in this Province, wherein no Essoign, Protection, or Wager of Law, shall be allowed or admitted of.

Fines not otherwise applied, to be to the King.

X. *PROVIDED always,* That if any Person hereafter appointed to execute the Office of Sheriff, in any County of this Province, shall be willing to execute the same, but cannot get sufficient Security, for the Performance of his Duty therein, as by the said Act is required, shall make Oath, in the Court of the County for which he shall be appointed Sheriff, that he hath used his best Endeavours, truly and *bona fide*, without Covin or Collusion, to get Security for the Performance thereof, (which Oath the said County Courts are hereby impowered and required

Persons making Oath that they cannot get Security, not liable to the Penalty.

A. D. 1738.

to administer,) that then such Person making Oath as aforesaid, shall not incur, or be liable to the Forfeiture of the Sum of Eight Pounds Proclamation Money, in this Act mentioned; any Thing in this Act to the contrary thereof, in any-wise, notwithstanding.

Sheriff to execute
all Writs, &c.

XI. *AND be it further Enacted, by the Authority aforesaid,* That every Sheriff, by himself, or his lawful Deputy or Deputies, shall execute all such Writs and Precepts, from Time to Time, as shall be to him directed, according to the Demand thereof; and also, shall make due Return thereof in Manner following; that is to say, All Writs and Precepts returnable in any County Court, shall be executed, and Returns thereof made, at least Five Days (excluding *Sunday*) before the Day therein mentioned for the Return; and all Writs and Precepts returnable in the General Court, shall be executed according to the several Acts of Assembly of this Province, and Return thereof shall be made the First Day of the sitting of the Court: And every Sheriff failing to make sufficient Return of all or any of the Precepts to him directed, as aforesaid, and according to the several Times herein before limited, shall, for every such Offence, forfeit and pay, the Sum of Five Pounds Proclamation Money, unless the Sheriff shew sufficient Cause for such Neglect; one Moiety thereof to our Sovereign Lord the King, his Heirs and Successors, for and towards the Support of the contingent Charges of this Government, and the other Moiety to him or them that shall sue for the same: To be recovered, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province, in which no Essoign, Protection, or Wager of Law, shall be allowed; and moreover, such Sheriff so failing as aforesaid, shall be liable to an Action at Common Law, at the Suit of the Party injured, for any Damage which shall be sustained by such Failure: And if any Sheriff, by himself, Officer, or Deputy, having executed any Writ or Precept to him directed, shall, by himself, Officer, or Deputy, make false Return thereof, every such Sheriff so offending, shall forfeit and pay the Sum of Ten Pounds Proclamation Money, to be recovered and applied as aforesaid; and also, shall be liable to an Action at Common Law, at the Suit of the Party grieved, for any Damage which shall be sustained by such false Return.

Return when to
be made.

Sheriff to forfeit
5 l. for Neglect
of his Duty.

And liable to an
Action of the
Party grieved.

Sheriff making
false Return, to
forfeit 10 l. and
liable to an Ac-
tion.

No Writ, &c. to
be executed on
Sunday, or on
Persons excepted.

XII. *PROVIDED always,* That it shall not be lawful for any Sheriff, or his Officer or Deputy, to execute any Writ or Precept upon the Lord's Day, commonly called *Sunday*, or upon any Person excepted, or upon the several Days prohibited by the Laws of this Province; and the Execution of any Writ or Precept contrary to the true Meaning hereof, is hereby declared to be null and void: Any Thing herein contained to the contrary, notwithstanding.

Except for Treason,
Felony, or
Breach of Peace.

XIII. *PROVIDED nevertheless,* That it shall and may be lawful for the Sheriff, his Officer or Deputy, at any Time and Place whatsoever, to arrest and apprehend any Person for Treason or Felony, or Suspicion of Felony, or being accessory thereto, or for any Riot or Breach of the Peace, or upon any Escape out of Prison; any Thing herein contained to the contrary thereof, notwithstanding.

Sheriff to take
Bond of Persons
in Custody, to
themselves.

XIV. *AND be it further Enacted, by the Authority aforesaid,* That no Sheriff, or any of his Officers or Deputies, shall take, or cause to be taken or made, any Obligation, for any Cause whatsoever, by Colour of their Office, but only to themselves, of any Person, nor by any Person, which shall be in their Ward, by the Course of the Law, but by the Name of their Office, and upon Condition written, That the Prisoner or Prisoners shall appear at the Day contained in the Writ, Precept, Bill, or Warrant, and in such Places as the aforesaid Writs, Precepts, Bills, or Warrants shall require; and any Sheriff or other Officer taking an Obligation in any other Form, by Colour of their Offices, the same shall be null and void.

XV. *PRO-*

A. D. 1738.

Prov. Co.

XV. *PROVIDED always*, That it shall and may be lawful, to and for any Sheriff or other Officer, to take such other Obligation of any Person or Persons in their Ward, as is or shall be particularly and expressly directed, by any other Act, upon any special Case therein mentioned; any Thing herein contained to the contrary, notwithstanding.

XVI. *AND be it further Enacted, by the Authority aforesaid*, That if any Writ or Precept, in any Civil Action, shall be directed to any Sheriff or other Officer, to attach the Body of any Person which is not to be found within the County where such Sheriff or other Officer resides, in such Case, Return of the same Writ or Precept within the Time limited shall be made, according to the Truth of the Case; and if the Person against whom such Writ or Precept issued, shall not appear, being thereto lawfully called, by Proclamation, in open Court, at the Return thereof, an Attachment shall be awarded against his Estate, returnable to the next Court, at which Time, if the Defendant shall fail to appear, the Estate so attached, or so much thereof as shall be sufficient to pay what shall appear to be due to the Plaintiff, with Costs of Suit, shall be subject to such Rules and Regulations as by the Laws of this Province are made and provided; but if at the Return of the Attachment as aforesaid, the Defendant shall appear, and give Special Bail, then the Attachment shall cease and become void, and the Tryal shall proceed as in other like Cases, and as if the Defendant had appeared at the Return of the first Writ or Precept.

Person not to be found, Sheriff to return the Case truly.

If he does not appear, when called in Court, an Attachment may issue against his Estate.

If he appears, the Attachment to be void.

XVII. *PROVIDED always*, That no Sheriff or other Officer, shall make Return upon any Writ or Precept, against whom the same issued is not to be found, until he shall actually have been at the Dwelling-house or Place of Residence of such Person, and not finding him, shall have there left an attested Copy of the same Writ or Precept.

Sherif not to return *non est inventus*, til he has been at the Party's House, &c.

XVIII. *PROVIDED also*, That if any Writ or Precept shall be delivered to any Sheriff or other Officer, to attach the Body of any Person being a known Inhabitant of another County, and not of the County where the said Sheriff resides, in such Case the Sheriff or Officer shall make Return according to the Truth of the Case, and not that the Person is not to be found in his County; and thereupon an *Alias* shall issue, directed to the Sheriff where such Defendant may reside; and that no Variance of the Addition of the Place of Abode shall be deemed Error.

Writ against an Inhabitant of another County, to be returned truly; and an *Alias* may issue to the Sheriff of such County.

XIX. *AND be it further Enacted, by the Authority aforesaid*, That from and after the Ratification of this Act, it shall and may be lawful for the Sherifs of the several Counties of this Province, to take and receive to themselves, the several Fees appointed by the Laws of this Province; and liable to the Penalties for taking extravagant or more Fees than are by Law established.

Sherif may take lawful Fees.

XX. *AND be it further Enacted, by the Authority aforesaid*, That the Sheriff or Deputy of each County shall, by Turns, attend the General Court, according to a Rule to be established by the said Court; and shall and are hereby impowered, in Case of Default or non-Appearance of Jurors on any principal Pannel, to summons any By-standers, that are Freeholders and qualified to serve as Jurors, tho' such Freeholder or Freeholders may reside in any other County than where the General Court is held; and that every Sheriff, or his Deputy, shall constantly attend at the Court of the County for which he is Sheriff.

Sherifs to attend General Court, by Turns, according to Rules.

By-standers, in Case of Need, to be summoned.

Sherifs to attend County Courts.

XXI. *AND* whereas sundry Suits have been, and are now depending in the General Court, or the Courts heretofore called Precinct Courts of this Province,

A. D. 1738.
Where Suits are
begun, Marshal
to be liable.

the Procefs whereof have been executed by the Provost-Marshal, or his Deputies; *Be it Enacted, by the Authority aforesaid,* That in all such Cases, the Provost-Marshal in whose Time such Procefs was executed, shall be as liable and subject to such Payments and Orders of the General Court, or the Courts heretofore called Precinct Courts, as he might or ought to have been if this Act had never been made; and shall be intituled to the same Fees as by Law are appointed in such Case: Any Thing herein contained to the contrary, notwithstanding.

Office of Provost-
Marshal abo-
lished.

XXII. *AND be it further Enacted, by the Authority aforesaid,* That from and after the Twenty Fifth Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Thirty Nine, the Office of Provost-Marshal in this Province shall be abolished, and totally cease and determine, as if such Office had never been: And that from and after the Ratification of this Act, the several Precincts within this Province shall be called Counties.

Precincts altered
to Counties.

XXIII. *AND* whereas the Office of Provost-Marshal, by this Act abolished, is vested in *Robert Halton*, Esq; who being willing, for the Public Good, to give up the said Office, and the Assembly taking the same into Consideration, have agreed to give the said *Robert Halton*, Esq; the Sum of Two Thousand Pounds, Current Bills of Credit of this Province:

Robert Halton,
Esq; to be paid
2000l. for giv-
ing up Provost-
Marshal.

XXIV. *BE it Enacted, by the Authority of the same,* That the said *Robert Halton*, Esq; have the said Sum of Two Thousand Pounds paid him out of the Public Money of this Province; One Thousand Pounds thereof to be paid at passing of this Act, and the other Thousand Pounds to be paid within Three Years next after, if this Act be not, within that Time, Repealed, or upon Notice of the Royal Assent being given to this Act; to be placed in the Estimate of the Public Accounts of this Province, before the breaking up of this Session; and for which, after the Expiration of the said Three Years, or Notification of the Royal Assent to this Act, which shall first happen, it shall and may be lawful for the Governor or Commander in Chief for the Time being, to issue his Warrant for the same.

Time of Pay-
ment.

C H A P. IV.

Rep. by Act,
April 6, 1748.
Chap. 10.

An Act, for facilitating the Navigation of the several Ports of this Province, and for Buoying and Beaconing the Channels leading from Oca-cock Inlet, to Edenton, Bath-Town, and Newbern, and from Topsail Inlet, to Beaufort Town, and other Ports and Inlets within the said Province herein mentioned; and for providing sufficient Pilots for the safe Conduct of Vessels.

C H A P. V.

Repealed by his
Majesty's Order,
in Council.

An Act, declaring what shall be deemed a sufficient Cultivation of Lands already granted, or hereafter to be granted, by His Majesty; and for ascertaining the Manner of granting lapsed Lands.

A. D. 1738.

C H A P. VI.

An Act, for appointing Circuit Courts, and for enlarging the Power of the County Courts.

Rep. by Act,
Dec. 5, 1746,
Chap. 2.

C H A P. VII.

An Act, to appropriate Two Thousand Pounds, Current Bill Money, to erect a sufficient Goal, and Office or Place for the safe keeping the Records of the General Court, and for repairing the Court-house at Edenton; and for other Purposes therein mentioned. O B S.

C H A P. VIII.

An Act, for the Encouragement and better Regulation of the Town of Edenton.

Rep. by Act,
August 21, 1740.
Chap. 1.

C H A P. IX.

An Act, for destroying Vermin within this Province. E X P.

C H A P. X.

An Act, to prevent killing Deer, at unreasonable Times.

I. **B**E it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That it shall not be lawfull to kill or destroy any Deer, running wild in the Woods, or unfenced Ground, in this Government, by Gun, or any other Ways or Means whatsoever, between the Fifteenth Day of February, in each Year, and the Fifteenth Day of July succeeding, after the Ratification of this Act: And if any Person, not being a Servant or Slave, shall kill any Deer contrary to this Act, and be thereof lawfully convicted, the said Person, for every Deer so killed or destroyed, shall forfeit and pay the Sum of Five Pounds, current Money.

No Deer to be
killed between
Feb. 15, and
July 15, on Pen-
alty of 5 l.

II. *AND* be it further Enacted, by the Authority aforesaid, That if any Servant or Slave, by Order or Command of his or her Master, Mistress, or Overseer, shall kill or destroy any Deer, contrary to this Act, the Master, Mistress, or Overseer giving such Order or Command, and being thereof lawfully convicted, for every Deer so killed or destroyed, as aforesaid, shall forfeit and pay the aforesaid Penalty of Five Pounds, as if the said Master, Mistress, or Overseer had actually committed the Offence.

Servant or Slave
killing Deer by
Master's Com-
mand, Master li-
able to the Pe-
nalty.

III. *AND*

A. D. 1738.

Servant or Slave
killing Deer, to
have 30 Lashes,
unless they give
Security for the
Fine.

III. *AND be it further Enacted, by the Authority aforesaid,* That if any Servant or Slave, of his own accord, without any Order or Command from his or her Master, Mistress, or Overseer, shall kill, destroy, or buy any Deer, contrary to this Act, and be thereof convicted, by the Oath of one credible Witness, before a Justice of the Peace of the County wherein the Offence is committed, for every Deer so killed or destroyed as aforesaid, the said Servant or Slave shall have and receive, on his or her bare Back, Thirty Lashes, well laid on, to be inflicted by Order of the said Justice before whom the said Conviction shall be, unless some sufficient Person will become bound to pay, for the said Servant or Slave, the Sum of Five Pounds current Money, within Six Months, in Lieu of the said Punishment aforesaid, to the Churchwardens of the Parish where the Offence is committed, for the Uses directed by this Act.

Fines appropri-
ated.

IV. *AND be it further Enacted, by the Authority aforesaid,* That one Moiety of the Forfeitures of this Act, shall be to the Churchwardens of the Parish where such Offence is committed, for the Use of the Parish, and the other Moiety to the Informer; to be recovered, with Costs, by a Warrant from any Justice of the Peace within this Government; saving unto all free People, the Right of Appeal to the County Court where the Offence is committed: Which said Court is finally to determine the same; wherein no Essoin, Protection, or Wager of Law, shall be allowed or admitted of.

Right of Appeal
allowed.

C H A P. XI.

An Act, for appointing a Town on the Plantation where William Webster now dwelleth, in Hyde County, on the West Side of Matchapungo River.

Private.

I. **W**E pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same,* That all the Land from a Creek next to William Denmark's, running to another Creek next to Richard Lenimont's, on a direct Line on the River Side, running from the high Land on each Creek, One Hundred Yards back, on a direct Line, is hereby declared to be a Township, by the Name of *Woodstock*, with all Priviledges and Immunities hereafter mentioned and expressed, for ever; and that the Property of the said Plantation or Township, be, and it is hereby henceforward invested in *Samuel Sinclair*, Gentleman, *Mr. William Harris*, and *Mr. John Smith*, or any Two of them, who are hereby impowered to lay out the said Land into Lots, of Half an Acre each, with convenient Streets, not less than Sixty Feet wide.

II. *AND be it further Enacted,* That *Mr. John Smith*, be, and is hereby appointed Treasurer and Receiver of all such Sum and Sums of Money, which shall arise on the Sale of the said Lots, for the Use hereafter mentioned; and on the Death, or Departure out of the Government, or Refusal of the said Treasurer to act, then the next succeeding Commissioner or Trustee shall officiate in his Stead and Place, and shall give Security to the Justices of the Court, that he will be accountable for the Money he shall receive by Virtue of this Act.

III. *AND be it further Enacted,* That every Person whatsoever, who is willing to be an Inhabitant of the said Town, shall have Liberty to take up any Lot or Lots so laid out as aforesaid, and not before taken up; which Lot or Lots the said

Com-

Commissioners, or any Two of them, are hereby directed and impowered to Grant, Convey, and Acknowledge, to the Person or Persons so taking up the same, and to his or their Heirs and Assigns, for ever, in Fee-Simple, upon the Payment of Forty Shillings, current Money; and the said Consideration Money shall be paid unto *William Webster*, the Proprietor of the said Land, his Heirs and Assigns. A. D. 1738.

IV. *PROVIDED* always, That if any Person whatsoever shall take up, and have conveyed to him, any Lot or Lots as aforesaid, and shall not build, or cause to be built thereon, within Two Years after the Date of the said Conveyance, a good, substantial, habitable House, not of less Dimensions than Twenty Feet in Length and Fifteen Feet wide, besides Sheds or Leantoos, or make Preparation for so doing, as the Court of the said County, by View of any Two or more of them, shall judge reasonable to secure the same, every such Conveyance shall be, and is hereby declared void and of none Effect, as if the same had never been made; and that the said Lot or Lots shall be free and clear for any other Person to take up and purchase, on the Conditions aforesaid.

V. *PROVIDED* also, That all Monies arising by the Second or other Sale of the said Lots, shall be, and is hereby appropriated and applied, for the building of a Church; and what shall be more than will build the said Church, shall be applied to such other Uses as the said Commissioners, or the major Part of them, shall think fit, for the Encouragement of the said Town.

VI. *AND* be it further Enacted, by the Authority aforesaid, That the Commissioners, or any Two of them, shall have Power and Authority, and they are hereby required and impowered, to remove all Nufances within the Limits of the said Town; and that no Person, Inhabitant of the said Town, or holding Lots there, shall enclose the same, or keep the same enclosed, under a common Stake Fence, but every Lot therein shall be paled in, or done with Posts and Rails set up.

VII. *AND* for the further Encouragement of the said Town, *Be it Enacted, by the Authority aforesaid*, That all Musters for the said County, Election of Burgesses, and all Business and Affairs of the like Nature, which belong to the said County, shall be taken, done, and transacted within the said Town, and at no other Place or Places whatsoever.

VIII. *AND* be it further Enacted, by the Authority aforesaid, That all Persons, Possessors or Owners of Lots in the said Town, shall, and they are hereby obliged, within Two Years next after the Ratification of this Act, to clear all such Lots by them held and possessed, from all Manner of Wood, Under-wood, Brush, and Grubs, that are or may be offensive to the said Inhabitants, and shall so keep and maintain the same, from Time to Time, and at all Times hereafter, under the Penalty of Ten Shillings *per* Month; to be recovered by a Warrant from one Justice of the Peace; one Half to the Informer, and the other Half to the Commissioners, for the Use of the said Town.

IX. *AND* be it further Enacted, by the Authority aforesaid, That in Case of the Death, or Departure out of the Government, of any of the said Commissioners, at any Time hereafter, the remaining Commissioners, together with the Justices of the County Court, are hereby authorized and impowered, to make Choice of some other Person or Persons to succeed such Commissioner or Commissioners so dying or departing as aforesaid; which Person or Persons so elected and chosen, shall be, and they are hereby invested with as much Power and Authority, to all Intents and Purposes whatsoever, as the present Commissioners herein appointed are invested with, by Virtue of this Act.

A. D. 1738.

X. *AND be it further Enacted, by the Authority aforesaid, That the Commis-
sioners are hereby impowered to make Choice of one Acre of Ground in the
said Town, where ever they shall think fit and most convenient, for a Church
and Church Yard.*

SIGNED by

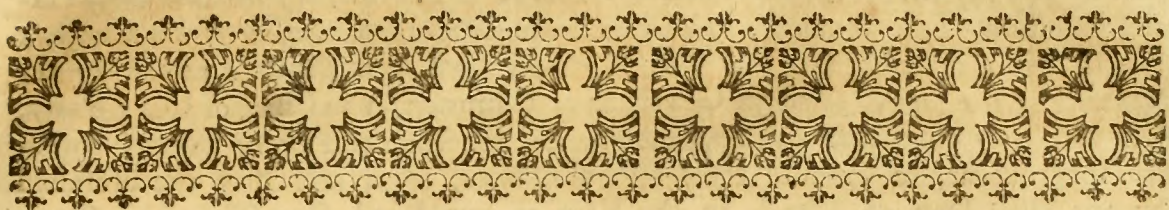
GABRIEL JOHNSTON, Esq; Governor.

William Smith, President.

WILLIAM DOWNING, Speaker.



A. D. 1738.



GEORGE II.

Regis, *Magnæ Britanniae, Franciæ, &*
Hiberniæ, Duodecimo.

At a General A S S E M B L Y, held at *Newbern*, the Eighth Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Thirty Eight.

GABRIEL
JOHNSTON,
Esq; Governor.

CHAP. I.

An Act, to supply the Defect of an Act, passed last Session of Assembly, intituled, An Act, for appointing Sheriffs in the Room of Marshals of this Province, for prescribing the Method of appointing them, and for limiting the Time of their Continuance in Office, and directing their Duty therein, and for abolishing the Office of Provost-Marshal of this Province; and for altering the Names of the Precincts into Counties.

I. **W**HEREAS by the aforesaid Act of Assembly, it was, among other Things, Enacted, That the Court of every County in this Government, at the first Court that shall be held in each County next after the Ratification of this Act, shall recommend to the Governor of this Province, Three such Justices of the same County Court as they shall think most fit and able, to execute the Office of Sheriff, for their respective Counties, for the Two next succeeding Years ; of which Three Persons so recommended, the Governor shall commissionate such one of them as to him shall seem meet, to execute the said Office : And whereas it was therein further Enacted, That from and after the Twenty Fifth Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Thirty Nine, the Office of Provost-Marshal of this Province, be abolished and cease : And whereas the Office of Provost-Marshal will cease a considerable Time before Sheriffs can possibly be appointed, according to the Directions of the aforesaid Act, in which Interval of Time no Person or Persons are, by the said Act, authorised to execute the Office of Sheriffs of the respective Counties of this Colony, or any of them, whereby a great Failure of Justice must ensue, unless remedied : For Remedy whereof,

II. WE

A. D. 1738.

Governor may
appoint Sheriffs
for each County.

II. WE Pray that it may be Enacted, *And be it Enacted*, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the Governor or Commander in Chief of this Colony, shall and may constitute and appoint Sheriffs, for each and every County within this Government, to execute their several Offices, from and after the aforesaid Twenty Fifth Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Thirty Nine, for and during the Term of Two Years, thence next ensuing; and in Case of the Death or Removal out of this Province of any of them, to commissionate others in their Room, to execute the said Office, for and during the Time then in such Case unexpired of the said Two Years: And such Sheriffs so constituted by the Governor, are hereby authorized to execute their several Offices, in as full and ample Manner, to all Intents and Purposes, as if they were appointed according to the Directions of the aforesaid Act.

Sheriffs to give
Bond.

III. *PROVIDED* always, That every Sheriff so appointed, shall give Bond, with sufficient Securities, in the Sum, and in the Manner by the aforesaid Act directed, for the faithful Discharge of his said Office; and shall likewise take the Oath of Office therein directed.

Sheriffs to execute
their Office til
superfeded; and
to have the same
Fees as the Pro-
vost-Marshal.

IV. *AND be it further Enacted*, by the Authority aforesaid, That each of the Sheriffs which shall be appointed by the Governor by Virtue of this Act, shall and may execute his Office until he be superfeded, according to the Directions of the Act of Assembly herein before recited; and likewise, that the several Sheriffs of this Government shall and may take and receive the several Fees by Law appointed for the Provost-Marshal, and shall likewise be intituled to have and receive the Sum of Eight Pounds Proclamation Money, for all Public Services; and likewise, the several Sums by Law appointed to Sheriffs, for collecting Public Taxes.

Also 8 l. for Pub-
lic Services.Persons refusing
to act, to forfeit
8 l. to the next
Sheriff.

V. *AND be it further Enacted*, by the Authority aforesaid, That if any Person which shall be appointed by the Governor, by Virtue of this Act, shall refuse to accept the said Office, each Person so refusing, (except such Persons as by the aforesaid Act is excepted,) shall forfeit and pay, to the next Person who shall execute the said Office, the Sum of Eight Pounds Proclamation Money; to be recovered and applied in the same Manner as in the before-recited Act is directed, in Case of the Refusal of a Sheriff so appointed by Virtue thereof.

Sheriffs liable to
Penalties.

VI. *AND be it further Enacted*, by the Authority aforesaid, That the several Sheriffs which shall be appointed by the Governor, by Virtue of this Act, shall be liable to all the Penalties in the aforesaid Act mentioned and imposed, for any Misdemeanors which they may commit in the Execution of their Office; to be recovered and applied as the Forfeitures in the said Act are directed.

After March 25,
1739, Sheriffs to
be appointed ac-
cording to Act.

VII. *AND be it further Enacted*, by the Authority aforesaid, That from and after the Expiration of the said Two Years next ensuing the Twenty Fifth Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Thirty Nine, all Sheriffs of this Government shall, for ever after, be appointed according to the Directions of the Act of Assembly herein before recited, and not otherwise.

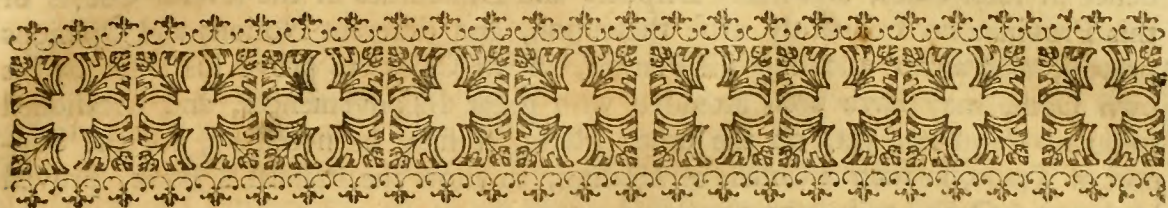
SIGNED by

GABRIEL JOHNSTON, Esq; Governor.

William Smith, President.

WILLIAM DOWNING, Speaker.

A. D. 1739.



GEORGE II.

Regis, *Magnæ Britanniae, Franciæ, &*
Hiberniæ, Decimo Tertio.

GABRIEL
JOHNSTON,
Esq; GOVERNOR.

*An Act, appointing a Treasurer for the several Counties herein mentioned,
in the Room of William Downing, Esq; deceased. O B S.*

An Act, to ascertain the Allowance of his Majesty's Council, and the Members of Assembly, of this Province, and for Payment of all Claims; and to prevent letting out any more of the Loan Money on Interest. E X P.

An Act, prescribing the Manner of Proving Book Debts.

I. **W** H E R E A S the Trade and Merchandize in this Province, is chiefly Preamble,
carried on by Retail, and Goods, Wares, and Merchandizes are
generally delivered to those that buy them by the Retailer himself, and it very fre-
quently happens, that no Body is privy thereto but the Buyer and Seller, so that
in many Cases, there may be a Defect of legal Evidence to charge such Buyer,
and by that Means the fair Trader may be hindred from recovering a just Debt: And
B b For-

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forasmuch as no Law now in Force doth determine what shall be lawful Evidence in such Cases, and many Disputes and Difficulties in the several Courts of this Province do frequently arise thereupon, and different Notions and Opinions prevail, and altho' allowing the Plaintiff, in all Cases, to prove his Debt by his own Oath, may have been attended with great Inconveniences, and occasioned frequent Perjuries, yet, on the other Hand, it may be necessary, for the Support of Trade, in such a Course of Dealing, to allow the Plaintiff's Book, proved by his own Oath, to be given in Evidence:

Manner of proving Book Debts.

II. *BE it therefore Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That wherever any Person or Persons hereafter shall bring any Action of Debt, or upon the Case, and therein shall declare, upon an *Emisset*, or *Indebitatis*, *Assumpsit*, or *Quantum Valebant*, or *Quantum Meruit*, for Goods Wares, or Merchandizes, by him sold and delivered, to any Person or Persons, or for Work or Labour done and performed, and upon the Tryal of such Action, shall declare, upon his Corporal Oath, or solemn Affirmation, as the Case may be, that the Matter in Dispute is a Book Account, and that he hath no Means to prove the Delivery of the Articles therein contained, or any of them, but by his Book; in that Case, such Book, provided it contain the first Entry, shall and may be given in Evidence upon the Tryal, if he shall make out, by his own Oath, that such Book or Books doth contain a true Account of all the Dealings between him and the Defendant from the Beginning, or the last Settlement of Accounts between them, and that all the Articles therein charged were, *bona fide*, delivered, and that he hath given all just Credits, due to the Defendant, in such Account; and such Book or Books, and Oath, shall be admitted and received as good Evidence for any of the Articles, for Goods delivered within Eighteen Months before the same Action brought, but not for any Article of a longer Standing: And where the Person who delivered such Goods, Wares, or Merchandizes, shall die, his Executors, or Administrators, may give his Book or Books in Evidence, upon his or their making Oath, that there are no Witnesses, to his or their Knowledge, capable of proving the Delivery of the Goods or Merchandizes therein mentioned, and that he or they found the Book or Books so stated, and do not know of any Credit to be given; and such Book and Oath shall be admitted and received as Evidence for any of the Articles for Goods delivered within the Time aforesaid.

Defendant may contest Plaintiff's Evidence.
Testator's Book admitted as Evidence.

III. *PROVIDED nevertheless*, That the Defendant shall be at Liberty to contest the Plaintiff's Evidence, and to oppose the same by legal Evidence; and where the Defendant shall be an Executor or Administrator, his Testator or Intestate's Book shall and may be given in Evidence against the Plaintiff's Book, where the Plaintiff is Executor or Administrator.

No Book of Account to be admitted for above 5 Years before Action.

IV. *PROVIDED also, and be it further Enacted*, That no Book of Accounts, altho' the same may be proved by any Witness or Witnesses, shall hereafter be admitted or received in Evidence in any Action, for any Money due for Goods, Wares, or Merchandizes, hereafter to be delivered, or for Work hereafter to be done, above Five Years before the same Action brought; except in Cases of Persons residing in *Great-Britain*, or in other Parts beyond the Seas, or out of the Government, or where the Accounts shall be settled and signed by the Parties.

Persons beyond Seas excepted.

Book to be Evidence for Debts sued for within 18 Months.

V. *PROVIDED nevertheless, and be it further Enacted*, That for the Recovery of any Debt now due, for Goods, Wares, and Merchandizes, heretofore delivered, the Plaintiff, within Eighteen Months from the Passing of this Act, shall be allowed to give his Book in Evidence, being proved by his own Oath, in the Manner before directed; and in Case of Executors or Administrators, the like Evidence

vidence shall be admitted and received, as is before directed for the Recovery of A. D. 1739.
any Debt hereafter to be contracted.

VI. *PROVIDED also*, That no such Evidence as is herein before mentioned, shall be admitted, received, or taken, in any of his Majestys Courts of Record in this Province, as a sufficient legal Evidence, in any Cause wherein the Debt, or the Sum sued for, exceeds Twenty Pounds Proclamation Money, or for any Specie or Commodity, or Work done, that surmounts the Value of the said Twenty Pounds Proclamation Money; any Thing herein contained to the contrary, notwithstanding.

No Evidence before mentioned to be allowed, if the Debt exceeds 20l.

VII. *PROVIDED also*, That nothing in this Act shall extend to any Ordinary-keepers Accounts; but that the said Ordinary Accounts shall be recovered in Manner as by other Acts heretofore are directed.

This Act not to extend to Ordinary-keepers,

CHAP. IV.

An Act, for Erecting the Village called Newton, in New-Hanover County, into a Town and Township, by the Name of Wilmington; and Regulating and ascertaining the Bounds thereof.

See Act passed 1740, Chap. 4.

I. **W**HEREAS several Merchants, Tradesmen, Artificers, and other Persons of good Substance, have settled themselves at a Village called *Newton*, lying on the *East Branch of Cape-Fear River*; and whereas the said Village, by Reason of its convenient Situation at the Meeting of the Two Great Branches of *Cape-Fear River*, and likewise, by Reason of the Depth of Water, capable of receiving Vessels of considerable Burthen, Safety of its Roads beyond any other Part of the River, and the secure and easy Access from all Parts of the different Branches of the said River, is, upon all those and many other Accounts, more proper for being erected into a Town or Township, than any other Part of the said River:

II. *BE it therefore Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That the Village heretofore called *Newton*, lying on the *East Side of the North-East Branch of Cape-Fear River*, in *New-Hanover County*, shall, from and after the passing of this Act, be a Town and Township, and the said Village is hereby established a Town and Township, by the Name of *Wilmington*, the Bounds whereof shall be and are circumscribed in Manner following; that is to say, To the *Northeast*, by the Lands of his Excellency *Gabriel Johnston, Esq;* upwards, and below, by the Lands of *Michael Dyer*; to the *Westward*, by the *Northeast Branch of Cape-Fear River*; and to the *Eastward*, by a Line drawn between the said Lands of his Excellency *Gabriel Johnston, Esq;* and *Michael Dyer*, One Hundred and Twenty Poles distant from the River.

III. *AND be it further Enacted, by the Authority aforesaid*, That for ever, after passing of this Act, the Inhabitants of and near the said Town, qualified as herein after mentioned, shall have the Privilege of chusing one Representative for the said Town, to sit and vote in General Assembly.

IV. *AND for ascertaining the Method of chusing the said Representative, Be it further Enacted, by the Authority aforesaid*, That every Tenant of any Brick,
Stone,

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Stone, or framed habitable House, of the Length of Twenty Feet, and Sixteen Feet wide, within the Bounds of the said Town, who, at the Day of Election, and for Three Months next before, inhabited such House, shall be entitled to vote in the Election for the Representative of the said Town, to be sent to the General Assembly: And in Case there shall be no Tenant of such House in the said Town; on the Day of Election, qualified to vote as aforesaid, that then, and in such Case, the Person seised of such House, either in Fee-Simple, or Fee-Tail, or for Term of Life, shall be entitled to vote for the Representative aforesaid.

V. *AND be it further Enacted, by the Authority aforesaid,* That every Person who, on the Day of Election, and for Three Months next before, shall be in actual Possession or an Inhabitant of a Brick House, of the Length of Thirty Feet, and Sixteen Feet wide, between the Bounds of the said Town upwards, and *Smith's Creek*, and within One Hundred and Twenty Poles of the *Northeast* Branch of *Cape-Fear* River, shall be entitled to, and have a Vote in the Election of a Representative for the said Town, (unless such Person be a Servant;) and shall, as long as he continues an Inhabitant of such House, within the said Bounds, enjoy all the Rights, Privileges, and Immunities, to which any Inhabitant within the said Town shall be entitled, by Virtue of this Act.

VI. *AND be it further Enacted, by the Authority aforesaid,* That no Person shall be deemed qualified to be a Representative for the said Town, to sit in the General Assembly, unless, on the Day of Election, he be, and for Three Months next before, was seised, in Fee-Simple, or for Term of Life, of a Brick, Stone, or framed House, of the Dimensions aforesaid, with one or more Brick Chimney, or Chimnies.

VII. *AND be it further Enacted, by the Authority aforesaid,* That for ever, after the passing of this Act, the Court of the County of *New-Hanover*, and the Election of the Representatives to be sent to the General Assembly, and the Elections of Vestrymen, and all other Public Elections, of what Kind or Nature soever, for the said County and Town, shall be held and made in the Town of *Wilmington*, and at no other Place whatsoever; any Law, Statute, Usage, or Custom, to the contrary, notwithstanding.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That from and after the passing of this Act, the Collector and Naval-Officer of the Port of *Brunswick*, (of which Port the said Town of *Wilmington* is the most central and convenient Place, both for Exportation and Importation, by Reason of its Navigation and Situation,) shall constantly reside in the said Town, and there keep their respective Offices, until his Majesty shall be pleased to give his Directions to the contrary: And likewise, the Clerk of the Court of the County of *New-Hanover*, and the Register of the said County, shall constantly hold and execute their respective Offices in the said Town of *Wilmington*: And that if either of the said Officers neglect or refuse so to do, he so neglecting or refusing, shall, for every Month he shall be a Delinquent, forfeit and pay the Sum of Five Pounds Proclamation Money; to be sued for and recovered, by him who shall sue for the same, in the General Court of this Province, or in the County Court of *New-Hanover*, by Action of Debt, Bill, Complaint, or Information, wherein no Essoign, Protection, Injunction, or Wager of Law shall be allowed; and one Half of such Forfeiture shall be for the Use of the Person who sues for the same, and the other Half shall be paid to the Commissioners, for the Time being, appointed for regulating the said Town.

IX. *AND for the due regulating the said Town, Be it further Enacted, by the Authority aforesaid, That Robert Halton, James Murray, Samuel Woodard,*
William

William Ferris, Richard Eagles, John Porter, and Robert Walker, Esquires, are hereby established and appointed Commissioners for the said Town; and the said Commissioners, or a Majority of them, and their Successors, shall have, and be invested, with all Powers and Authorities, within the Bounds of the said Town of Wilmington, in as full and ample Manner, as the Commissioners for the Town of Edenton have or possess, by Virtue of any Law heretofore passed.

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X. AND whereas the Justices of the County Court of *New-Hanover*, at the Court held at *Brunswick*, on *Tuesday* the Eleventh Day of *December* last, have imposed a Tax of Five Shillings *per Poll*, to be levied on the Tithable Inhabitants of the said County, between the First Day of *January*, and the First Day of *March*, One Thousand Seven Hundred and Thirty Nine; and afterwards, one other Tax of Five Shillings *per Poll*, to be levied on the said Inhabitants, between the First Day of *January*, and the First Day of *March*, One Thousand Seven Hundred and Forty; towards building a Court-house and Goal in the Town of *Brunswick*, for the said County :

XI. *BE it Enacted, by the Authority aforesaid, That the Justices of the said County Court shall, and are hereby directed, to apply the said Levy or Tax towards finishing and compleating the Court-house already erected in the said Town of Wilmington, and towards building a Goal in the said Town.*

XII. *AND be it further Enacted, by the Authority aforesaid, That if any one or more of the said Commissioners shall die, or remove out of the County, that then and in such Case, the surviving or remaining Commissioners shall, within Six Months after the Death or Removal of such Commissioner, present to his Excellency the Governor or Commander in Chief for the Time being, Three Persons, one of which the said Governor or Commander in Chief is hereby impowered to nominate and appoint; and the Commissioner so appointed shall be invested with the same Powers and Authorities, as any Commissioner nominated by this Act.*

S I G N E D by

GABRIEL JOHNSTON, Esq; Governor,

William Smith, President.

JOHN HODGSON, Speaker,



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the Commissioners and Trustees become dubious, and the Persons Titles to such Lots precarious: For Remedy whereof, and to prevent Disputes that may happen, and for the better securing the ancient Privileges of the said Town-ship, and Regulation thereof ;

420 Acres of
Land for Edenton
confirmed, and
vested in Com-
missioners.

III. WE pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same,* That the said Four Hundred and Twenty Acres, so purchased and laid out for the said Town of *Edenton*, pursuant to the said Acts of Assembly, and vested in Commissioners or Trustees, according to the said several Acts, such Commissioners or Trustees so invested, are hereby declared to have had a good, absolute, and indefeasible Estate, in Fee, in such Lands respectively, in Trust and Confidence, to and for the Uses in the said several Acts; and the Commissioners and Trustees hereafter mentioned, are hereby declared to have a good, absolute, and indefeasible Estate, in Fee, in all such Lands and Lots which have not been disposed of by the former Commissioners or Trustees, but in Trust and Confidence, to and for the Use and Uses herein after mentioned relating to the said Town of *Edenton*, and for no other Use or Purpose whatsoever; and the said Lands and Lots are hereby Confirmed to the said Commissioners or Trustees, in Fee, to such Use or Uses: Any Thing in the Repealing, Expiring, Suspension of any of the said Acts, or any other Law, Statute, Usage, or Custom, to the contrary, notwithstanding.

Titles of such as
have saved their
Lots, declared
good.

IV. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons have purchased and paid for any Lot or Lots, Half Acre or Half Acres of Land in the said Town of *Edenton*, of any of the Commissioners or Trustees, pursuant to the said several Acts, and have fully complied with the Conditions in the said several Acts mentiond, such Person or Persons are hereby declared to be invested with, and to have a good, absolute, and indefeasible Estate, in Fee, to such Lot or Lots, Half Acre or Half Acres of Land; and the same is hereby confirmed, in Fee, to such Person or Persons, and to his, her, and their Heirs and Assigns, for ever.

Commissioners
appointed.

V. *AND be it further Enacted, by the Authority aforesaid,* That the Honourable *William Smith Esq; John Hodgson Esq; Abraham Blackball, Joseph Anderson, and James Craven,* Gentlemen, are hereby appointed Commissioners or Trustees, to and for the several Uses and Purposes declared by this Act, and impow'ered and invested with all the Privileges hereinafter expressed, for ever.

On Death, &c.
of Commission-
ers, Survivors to
appoint others.

VI. AND that the full Number of Commissioners may be always kept up, *Be it further Enacted, by the Authority aforesaid,* That in Case of Death, or Removal out of the County of *Chowan*, of any of the aforesaid Commissioners or Trustees, at any Time hereafter, the remaining Part of the said Commissioners or Trustees, are hereby authorized and impow'ered to make Choice of some other Person or Persons, being Freeholders of the said Town, to succeed such Commissioner or Commissioners, Trustee or Trustees, so dying or removing as aforesaid; and such Person or Persons so elected or chosen, are hereby invested with as full Power and Authority, to all Intents and Purposes whatsoever, as the aforesaid Commissioners or Trustees now nominated or appointed.

Treasurer ap-
pointed.

VII. *AND be it further Enacted, by the Authority aforesaid,* That *John Hodgson, Esq;* One of the Commissioners or Trustees aforesaid, shall be appointed present Treasurer and Receiver of all Monies arising by Virtue of this Act; and on his Death or Removal out of the County of *Chowan*, then the First Commissioner shall

shall succeed and be Treasurer, first giving sufficient Security, to the Justices of the County Court of *Chowan*, for the just Performance of the said Trust.

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VIII. *AND be it further Enacted, by the Authority aforesaid, That the Lots of Half an Acre each, or thereabouts, not taken up and disposed of, be disposed of by the Commissioners or Trustees aforesaid, as hereafter in this Act is directed.*

Lots to be disposed of.

IX. *AND be it further Enacted, by the Authority aforesaid, That the Place already laid out, as by the Plan of the said Town may more fully appear, for Streets, Passages, Church, Governor's House, Court-house, Burying-place, Market-place, Prison, Council Room, and Town Common, be reserved for those Uses, and no other.*

Streets and Public Places reserved.

X. *AND be it further Enacted, by the Authority aforesaid, That every Person whatsoever who is desirous to be an Inhabitant of the said Town, shall have free Liberty to take up any Lot or Lots, already laid out and not before taken up; which Lot or Lots the Commissioners or Trustees aforesaid, or any Three of them, whereof the Treasurer to be One, are hereby required, directed, and impowered, to grant, convey, and acknowledge, to the Person or Persons so taking up the same, and to his and their Heirs and Assigns, for ever, in Fee-Simple, for the Consideration of Ten Shillings Proclamation Money, for each and every Lot by them so granted; which shall be appropriated as by this Act hereafter is directed.*

Commissioners to grant Lots, for 10 s. each.

XI. *PROVIDED always, That if any Person or Persons whatsoever, shall take up and purchase any Lot or Lots, as in Manner before directed, and shall not build, or cause to be built thereon, for each and every Lot or Lots so taken up and purchased, within Two Years after the Date of the said Conveyance, a good, substantial, Brick, Stone, or framed habitable House, not of less Dimensions than Twenty Feet long, Fifteen Feet in Width, and Eight Feet in Height, between the first Floor and the Joists, or in Proportion for each and every Lot or Lots, or make such Preparation for so doing as the Commissioners, or the Majority of them, shall judge reasonable to secure the same, every such Conveyance shall be, and is hereby declared void and of none Effect, as if the same had never been made; and that the same Lots be free and clear for any other Person to take up and purchase, as in Manner before directed.*

Grantee not building in two Years, Conveyance to be void.

XII. *AND be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for any Person, who is Owner of a Front Lot or Lots, to erect or build a Warehouse, Store-house, Wharfs, or other Conveniencies, for their Landing and Storing of Goods, on any Part of the Land fronting their own Lot or Lots, and as far out into the Water as he or they shall think proper, not going further than the Edge of the Channel, paying for the same, to the aforesaid Commissioners or Trustees, for each and every Front Lot, Five Shillings Proclamation Money; to be appropriated as by this Act is hereafter directed; which Commissioners or Trustees are hereby impowered to make him, her, or them, Grants or Conveyances, in Fee-simple, for the same: And in Case the Owner or Proprietor of any Front Lot or Lots shall not, within Six Months after Notice given by any Person, purchase or take up his or her Front, and likewise shall not, within Two Years after the Purchase thereof, secure the Front Street Fifty Feet from the Waters Encroachments, that it shall and may be lawful for any Person to take up the same, under the Conditions aforementioned.*

Owners of Front Lots may build Wharfs, &c. on paying 5 s.

Owner not taking up his Front, and securing the Street 50 Feet wide, in 2 Years, any other Person may, after six Months Notice.

XIII. *AND be it further Enacted, by the Authority aforesaid, That if any Person, after the First Day of May next, shall erect, repair, or cause to be erected or repaired, any Wooden Chimney within the said Town, such Person so offending, shall forfeit and pay, for each and every Offence, the Sum of Ten Pounds Proclamation*

Persons not to erect or repair Wooden Chimnies, on Penalty of 10 l.

A. D. 1740. mation Money; to be recovered and appropriated as hereafter by this Act is directed.

Commissioners to lay a Tax on the Lots, to raise a Fence round the Town, and Common.

XIV. *AND be it further Enacted, by the Authority aforesaid,* That the Commissioners or Trustees aforesaid, or any Three of them, shall, within Six Months after the Ratification of this Act, meet and lay a Tax on each and every Person, according to the Number of his or her Lot or Lots, Half Acre or Half Acres of Land, by him or them held within the said Town, (Fronts excepted) sufficient to raise a Fence round the said Town, and Town Common, as the Commissioners or Trustees aforesaid, or any Three of them, shall think sufficient, so as the said Fence be compleated within Eighteen Months after the Ratification of this Act; under the Penalty of Five Pounds Proclamation Money, on each and every Commissioner: And in Case any Person or Persons shall neglect or refuse to pay, on Demand, his or her Tax so laid by the aforesaid Commissioners or Trustees, by Virtue of this Act, such Person or Persons so offending, shall forfeit and pay the Sum of Two Shillings and Six Pence Proclamation Money, over and above the said Tax, for each and every Lot he or she hath a Conveyance for; to be recovered and appropriated as hereafter in this Act is directed.

Persons refusing to pay, to forfeit 4s. 6d.

Persons pulling down the Fence, or driving Hogs, &c. within it, to forfeit 10 l.

XV. *AND be it further Enacted, by the Authority aforesaid* That if any evil-minded Person shall, in the Night, or at any Time or Times whatsoever, pull down the said Town Fence, or any Part thereof, in Order to let in any Persons Hogs, Cattle, or Horses, within the said Town Inclosure, or shall otherwise drive Pigs, Cattle, or Horses, into, or out of the said Town, such Person so offending, shall forfeit and pay, for each and every Offence, the Sum of Ten Pounds Proclamation Money; to be recovered and appropriated as by this Act is hereafter directed.

Lots to be cleared in 3 Months, on Penalty of 5 s.

XVI. *AND be it further Enacted, by the Authority aforesaid,* That each and every Person or Persons, possessed of any Lot or Lots in the said Town, or hereafter shall be possessed, and not yet cleared, shall, in the Space of Three Months after the passing of this Act, or within Three Months after he, she, or they, shall have purchased any Lot or Lots, cut down all the Wood and Brush-wood in the same, and, once in each Year, do the like; and in Case of Neglect or Refusal of any Possessor or Possessors of a Lot or Lots to perform the same, in Manner aforesaid, such Possessor shall forfeit and pay, for each and every Offence, the Sum of Five Shillings Proclamation Money, for each and every Lot he, she, or they, shall have a Conveyance for; to be recovered and appropriated as in this Act is hereafter directed.

Hogs, Shoats, or Pigs, may be pounded, & sold for the Poor of the Town.

XVII. *AND be it further Enacted, by the Authority aforesaid,* That from and after the Time the aforesaid Fence shall be compleated, it shall and may be lawful for any Person to take up and pound any Hog, Shoat, or Pig, that shall be found ranging at Large in the said Town, so long as the said Fence shall be kept in good Repair: And such Hogs, Shoats, or Pigs, so taken up and pounded, shall be Sold at Vandue, and the Money arising by such Sale, given to the Poor residing in the said Town, by the Commissioners or Trustees aforesaid: And for preventing Annoyances and Nufances in the said Town,

Persons laying Rubbish in the Streets, &c. to forfeit 10 s.

XVIII. *BE it further Enacted, by the Authority aforesaid,* That if any Person or Persons shall throw out, or lay in any Street, or upon any Public Place in the said Town, any Dirt, Rubbish, Dust, or Mortar, except such Person or Persons who are building or repairing a House or Houses in the said Town, during the Time they are building or repairing such House or Houses, such Person or Persons so offending, shall forfeit and pay, to the aforesaid Commissioners or Trustees, for each and every Offence, the Sum of Ten Shillings Proclamation Money; to be recovered

vered and appropriated as in this Act is hereafter directed: And if any such Offence is committed by any Servant or Slave, such Servant or Slave shall be punished by Whipping, not exceeding Thirty Lashes, at the Direction of any Three of the Commissioners.

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If done by a Servant or Slave, he shall be whipped.

XIX. *AND be it further Enacted, by the Authority aforesaid,* That as often as the Overseer of the said Town shall summon the Male Tithables thereof to work on the Roads or Streets, he shall have full Power to direct the said Tithables to clear the Roads, Streets, and Public Places, of all Woods, Weeds, Rubbish, and other Nufances; and if any Person shall refuse to observe the Overseers Directions therein, he shall forfeit and pay, for each and every Offence, the Sum of Ten Shillings Proclamation Money; to be recovered and appropriated as herein after is directed; and if the Person refusing be a Servant or Slave, the Master or Mistress of such Servant or Slave is hereby made liable to pay the same.

Male Tithables to work on Streets & Roads, on Penalty of 10s.

Owners liable for their Servants or Slaves.

XX. *AND be it further Enacted, by the Authority aforesaid,* That the Commissioners or Trustees shall lay out, or cause to be laid out, within Six Months next following the Ratification of this Act, the several Streets and Passages of the said Town, as described in the Plan thereof, and shall fix and put up good Posts to ascertain the Bounds of the several Streets of the said Town; and for the Expence and Trouble of the said Commissioners or Trustees in the Service aforesaid, they shall be paid out of the Fines and Forfeitures arising by Virtue of this Act.

Streets and Passages to be laid out, within six Months, according to the Plan.

XXI. *AND be it further Enacted, by the Authority aforesaid,* That the Right and Privilege of Electing a Representative for the said Town of *Edenton*, to sit in General Assembly, be, and is hereby confirmed; and that the Freeholders of the said Town shall, for ever, have Liberty, at all Times hereafter, to elect and choose a Member to sit in General Assembly; and a Writ of Election shall issue, to the Inhabitants of the said Town, to choose a Member to represent them in the said Assembly, at such Times, and in the same Manner, as the said Writs are issued for choosing Representatives for the several Counties in this Province, to sit in General Assembly.

Freeholders to elect a Burgess.

XXII. *AND be it further Enacted, by the Authority aforesaid,* That no Person, for the future, shall be deemed or taken to be qualified for a Representative for the said Town, except he has been Owner of one saved Lot in his own Right, in the said Town, at least One Year before he is chosen; any Thing in any Act to the contrary, notwithstanding.

Burgess for the Town to be Owner of a saved Lot at least 1 Year.

XXIII. *AND be it further Enacted, by the Authority aforesaid,* That no Person shall be deemed or taken to be qualified to give his Vote for a Representative for the said Town, to sit in General Assembly, except he has been Owner of One saved Lot at least Six Months before such Election.

Voters to be Owner of a Lot 6 Months.

XXIV. *AND be it further Enacted, by the Authority aforesaid,* That the Treasurer of the said Town, from and after the Ratification of this Act, shall be obliged to keep his Office, and a Plan of the Town, in the said Town, under the Penalty of One Pound Proclamation Money, for each and every Month that he shall neglect or refuse to do the same; to be recovered and appropriated as by this Act is hereafter directed.

Treasurer to keep his Office, and Plan, in the Town, on Penalty of 20 s. per Month.

XXV. *AND be it further Enacted, by the Authority aforesaid,* That all Fines and Forfeitures in this Act mentioned, not exceeding Twenty Shillings Proclamation Money, shall be recovered, by a Warrant from under the Hands and Seals of any Three of the aforesaid Commissioners or Trustees; and all Fines above Twenty Shillings Proclamation Money, shall be recovered, in any Court of Record

All Fines not exceeding 20 s. to be recovered by a Warrant from 3 Commissioners; and all above, in any Court of Record.

in

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in this Province, by Action of Debt, Bill, Plaint, or Information; wherein no Essoign, Injunction, or Wager of Law, shall be allowed or admitted of; any Law, Usage, or Custom, to the contrary, notwithstanding: Which Fines and Forfeitures may be discharged in Commodities, as rated in an Act, intituled, *An Act, for the finishing the Church at Edenton.*

Monies arising by
Sale of Lots, &
Fines, to be laid
out by the Com-
missioners, for
Encouragement
of the Town.

XXVI. *AND be it further Enacted, by the Authority aforesaid, That all the Money arising by the Sale of Lots in the said Town, as also all Fines and Forfeitures in this Act mentioned, after the Commissioners or Trustees reasonable Charges and Expences for their several Services are deducted, shall be appropriated, laid out, and applied, to such Use or Uses as the Commissioners or Trustees, or any Three of them, shall think convenient, for the better Encouragement of the said Town.*

Repealing Clause.

XXVII. *AND be it further Enacted, by the Authority aforesaid, That an Act, passed in the Year One Thousand Seven Hundred and Thirty Eight, intituled, An Act, for Encouragement and better Regulation of the Town of Edenton, and every Clause, Matter, and Thing therein contained, shall be, and is hereby Repealed and made null and void, to all Intents and Purposes whatsoever.*

C H A P. II.

An Act, to enable the Commissioners herein after appointed, to erect and finish a Church in Newbern, in Craven County and Parish, in the Province aforesaid, and for the better Regulating the said Town; and other Purposes therein mentioned.

Private.

I. **W** H E R E A S the late Vestry of Graven Parish, in the Year One Thousand Seven Hundred and Thirty Nine; laid a Levy on all and every the Tithables in the said Parish, for and towards the building a Church in the Town of *Newbern*, in the aforesaid Parish, and appointed Commissioners to manage and carry on the same, and to apply the said Levy to the Purpose aforesaid; which Commissioners have made One Hundred Thousand Bricks, and have been at other Expences towards building the said Church, but the said Levy not amounting to a sufficient Sum to compleat the same, and the present Vestry neglecting to lay a further Levy on the Tithable Inhabitants of the said Parish, for the finishing of the said Church;

II. **W** E pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That a Tax of One Shilling and six Pence Proclamation Money, for Two Years, next ensuing the Ratification of this Act, be laid, and it is hereby laid, on each and every Tithable Person within the said Parish of Graven, to defray the Expence and Charge of building and compleating the said Church, to be paid Yearly, in such Commodities as are hereafter rated, viz. Pork, good and merchantable, dry salted, per Barrel, Thirty Shillings Proclamation Money, Beef, dry salted, per Barrel, good and merchantable, Twenty Shillings, drest Deer Skins, Two Shillings and Six Pence per Pound, Tallow, Four Pence per Pound, Bees Wax, Ten Pence Half Penny per Pound, Rice per Hundred, Ten Shillings; to be paid at such Times and Places as are directed for the Receipt of his Majesty's Quit-Rents, in and by an Act, intituled, *An Act, for providing his Majesty a Rent-Roll, for securing his Majesty's Quit-Rents, for the Remission of Ar-rears**

rears of Quit-Rents, and for quieting the Inhabitants in their Possessions; which said Tax shall be Annually collected and received by *John Bryan*, Gentleman, he first giving Security, in the Sum of Four Hundred Pounds, Proclamation Money, to the Justices of the County Court of *Craven*, for the faithful Discharge and Payment of the same, who shall be allowed Four *per Cent.* for attending, receiving, and paying thereof; and that upon Receipt of any Commodity or Commodities, Sum or Sums of Money, for the Use aforesaid, the same shall be by him paid to the Commissioners, or the Majority of them, or their Order, for the Use aforesaid.

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III. *AND be it further Enacted, by the Authority aforesaid*, That each Inhabitant in the said Parish, who shall not pay, or cause to be paid, the Tax herein before mentioned, at the Times and Places aforesaid, to the said *John Bryan*, as in and by this Act is directed, such Person or Persons so failing, shall, for each Default, forfeit and pay the Sum of Four Shillings, Proclamation Money, for each Tithable for which he ought to have paid the said Tax, besides Costs; to be levied, by a Warrant from under the Hand and Seal of one or more Justices of the Peace of the County aforesaid, upon the Goods and Chattles of the Delinquent: Which Forfeiture or Forfeitures shall be paid to the said *John Bryan*, or any other Person appointed by the said Commissioners or the major Part of them, and by them applied towards the building of the said Church.

IV. *AND be it further Enacted, by the Authority aforesaid*, That *George Robert*, *William Wilson*, *George Bold*, *William Herritage*, and *Adam Moor*, Gentlemen, are hereby appointed Commissioners to receive the said Levies from the said *John Bryan*, when by him received and collected, and to contract and agree with fit and proper Persons for the building and compleating the said Church, in a neat and Workman-like Manner: And the said *John Bryan* shall, and is hereby directed, to account with the Commissioners aforesaid, when required, for the several Commodities and Sums by him collected and received, in Manner aforesaid.

V. *AND be it further Enacted, by the Authority aforesaid*, That any Person or Persons who shall subscribe any Sum or Sums of Money, for and towards the building of the aforesaid Church, and shall afterwards refuse Payment of the said Sum or Sums mentioned to be paid by such Subscription, such Person or Persons shall be liable for the same, and the Commissioners or the major Part of them, for the Time being, are hereby authorized to sue for the same, in the same Manner as any Person may be sued, for Non-payment of Money due by a Promisory Note.

VI. *AND* whereas the late Vestry of *Craven* Parish laid a Levy, in the Year One Thousand Seven Hundred and Thirty Nine, on all the Tithables in the said Parish, towards building and compleating the said Church; which said Levy is found insufficient to carry on and compleat the said Work, a considerable Part thereof is yet unpaid and uncollected:

VII. *BE it therefore further Enacted, by the Authority aforesaid*, That the several Persons who have not already paid the said Tax or Levy, are hereby commanded and required to pay the said Levy in current Bills, as laid by the said Vestry, in the same Manner, and at the same Times and Places, and to the same Person as before mentioned, and under the same Penalties as in and by this Act is before directed.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That all Persons who have been heretofore Churchwardens, or that now are Churchwardens, or that have heretofore been Commissioners, and all Persons whatsoever who have any Parish Money in their Hands for the Use aforesaid, do forthwith, after the Ratification of this Act, account with the Commissioners aforesaid, or the Majority

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rity of them, and pay to them, or their Order, on Demand, all and every such Sum or Sums of Money that shall appear to be due, owing, and in Arrear, under the Penalty of Ten Pounds Proclamation Money, over and above the Sum due, owing, and in Arrear, to the Parish aforesaid; to be recovered, by Action of Debt, Bill, Complaint, or Information, in the General or County Court.

IX. *AND be it further Enacted, by the Authority aforesaid, That on the Death or Removal out of the County aforesaid of any of the aforesaid Commissioners, the Majority of the said Commissioners are hereby authorized and impowered to appoint a proper Person or Persons, who shall be deemed duly qualified to act in his or their Room and Stead.*

X. *AND whereas there hath been great Differences and Disputes about the Bounds and Limits of the said Town of Newbern, which hereafter may be of pernicious Consequence to the Freeholders of the said Town, as well as a Discouragement for others to settle therein:*

XI. *BE it therefore further Enacted, by the Authority aforesaid, That the Justices of the Court of Craven County, at the Court to be held for the said County next after the Ratification of this Act, or at any other subsequent Court, shall, and they are hereby required to appoint a Day, whereon the Freeholders of the said Town shall meet, at the Court-house in the said Town, and whereof the said Freeholders shall have Notice, and with a sworn Surveyor for that Purpose, by the said Court appointed, shall admeasure and lay out the Meters and Bounds of the said Town, pursuant to an Act of the General Assembly of this Province, intituled, An Act, for the better settling the Town of Newbern, in the Precinct of Craven; and shall lay out the Streets, and affix Marks at the Corners of each and every Lot already taken up and saved, at the joint Cost and Charge of the Freeholders of the said Town; which Charge shall be assessed by the President or Chairman of the said Court, with two other of the Justices of the Peace of the said County, and Two Freeholders, to be appointed by the Court next succeeding such Admeasurement, laying out, and marking of the said Streets and Lots, or any other subsequent Court, and shall be paid by the Freeholders of the said Town respectively, in Proportion to the Number of the saved Lots that he, she, or they, shall hold in the said Town, to the said Justices, to defray the said Charge of admeasuring, laying out, and marking, as aforesaid: And on Default or Non-Payment of their respective Proportions of the Charge so assessed, within Ten Days after such Assessment and Demand of the same, the said Assessment shall be levied, by a Warrant from any one Justice for the said County, upon the Goods and Chattles of such Delinquent or Delinquents, and sold at Vandue, Five Days after such Distress, rendring the Overplus, if any, Charges first deducted, to the Owner.*

XII. *AND whereas in and by the aforesaid Act of Assembly, there was a Lot laid out in the said Town for a Church, which said Lot being insufficient, and not so commodious for the said Use, and all the adjacent Lots being taken up and saved, wherefore the said Vestry have taken up Four Lots, more convenient and commodious, for erecting a Church, and for a Church-yard, and other Parish Uses:*

XIII. *BE it therefore Enacted, by the Authority aforesaid, That as soon as the said Church shall be fit to celebrate Divine Service in, the said Four Lots shall be saved to the Parish for the Purposes aforementioned, in as full and ample a Manner as if the said Parish had erected a House on each of the said Lots, of the Quality and Dimentions prescribed by the said Act for saving Lots in the said Town.*

XIV. *AND*

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XIV. *AND be it further Enacted, by the Authority aforesaid, That the Commissioners aforesaid are hereby impowered and directed, to make Sale and dispose of the abovementioned Lot, at Public Vandue, after Four Days Notice given, and to apply the Money arising from such Sale, towards the building of the said Church: Any Law to the contrary, in any-wise, notwithstanding.*

C H A P. III.

An Act, to enable the Commissioners herein after mentioned, to finish the Church already begun at Edenton.

I. **W** H E R E A S several well-disposed Persons have voluntarily subscribed Private. and contributed several Sums of Money, to build and erect a Church in Edenton, for the Advancement of Religion, and thereby appointed several Commissioners to manage and carry on the same, and to apply such charitable Subscriptions and Contributions to that Purpose; which said Commissioners have carried on, and, in Part, built the same; but some of the Commissioners being dead, and there not being a sufficient Sum raised to compleat the said Work, and the Vestry of the Parish refusing to assist therein, the said Building may become ruinous, and all the Money already expended will thereby be lost, to the great Discouragement of Religion, and of such good and pious Intentions: Therefore, to prevent the same, and to promote so laudable a Work, and in Order to raise a sufficient Fund for finishing the said Church;

II. *WE pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That a Tax of Two Shillings, Proclamation Money, for Two Years, next ensuing, be laid on each and every Tithable Person within the said Parish, or County of Chowan, to defray the Expence and Charge of compleating and finishing the said Church; to be paid Yearly, in such Commodities as are hereafter rated, viz. Tobacco, at Ten Shillings per Hundred; Bees-Wax, at Ten Pence Half Penny per Pound; Tallow, at Four Pence per Pound; Pork, good and merchantable, at Thirty Shillings per Barrel, not less than Two Hundred and Twenty Weight in each Barrel; or if in current Bills, at Seven and a Half for One, in Lieu of Proclamation Money; to be paid at such Times and Places, and in such Manner, as in and by an Act, intituled, *An Act, for providing his Majesty a Rent-Roll, for securing his Majesty's Quit-Rents, for the Remission of Arrears of Quit-Rents, and for quieting the Inhabitants in their Possessions*, is directed: Which said Tax shall be Annually received by William Luten, Gentleman, he first giving Security, in the Sum of Six Hundred Pounds, Proclamation Money, to the Justices of the County Court, for the faithful Discharge and Payment of the same, who shall be allowed Four per Cent. for attending, receiving, and paying the same; and that upon Receipt of any Commodity or Commodities, Sum or Sums of Money, for the Use aforesaid, the same shall be by him paid to the Commissioners, or the Majority of them, or their Order, for the Use of the said Church.*

III. *AND be it further Enacted, by the Authority aforesaid, That each Inhabitant in the said Parish, who shall not pay, or cause to be paid, each and every Year, the Tax herein before mentioned, at the Times and Places aforesaid, to the said William Luten, as in and by this Act they are directed; such Person so failing shall, for each Default, forfeit and pay the Sum of Four Shillings, Proclamation*

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mation Money, *per* Tithable, besides Costs; to be levied, by a Warrant from under the Hand of one or more Justices of the Peace of the County aforesaid, upon the Goods and Chattels of the Delinquent: Which Forfeiture shall be paid to the said *William Luten*, or any other Person appointed by the said Commissioners for that Purpose, and by them to be applied towards the building and compleating of the said Church.

IV. *AND be it further Enacted, by the Authority aforesaid*, That all Persons who have subscribed, or that shall hereafter subscribe, to pay any Sum or Sums of Money, for and towards the building of the aforesaid Church, and refuse Payment of the said Sum or Sums mentioned to be paid by such Subscription, such Person or Persons shall be liable for the same, and may be sued by the Commissioners aforesaid, or the Survivors of them, in the same Manner as any Person may be sued for Non-payment of Money on a Promissory Note: And that the said Commissioners also have full Power and Authority to demand and receive of all Persons whatsoever, that have any Money in their Hands which was formerly raised, given, or contributed, for and towards the Use of the said Church; and in Case of Refusal or Non-payment of the same, to bring Action or Actions, in their own Name, for Recovery thereof.

V. *AND be it further Enacted, by the Authority aforesaid*, That the Honourable *William Smith*, Esq; *John Montgomery*, and *John Hodgson*, Esqrs. *John Blount*, *John Benbury*, *Abraham Blackball*, and *James Craven*, Gentlemen, are hereby appointed Commissioners, to receive the said Levies from the said *William Luten*, when received and collected; and to contract and agree with fit and proper Persons for finishing the said Church, in a neat and Workman-like Manner, as begun: And the said *William Luten* shall, and he is hereby directed, to account with the Commissioners aforesaid, when called upon and required, for the several Commodities and Sums by him collected and received.

VI. *AND* whereas the Vestry of the Parish of *Chowan*, in the Year One Thousand Seven Hundred and Thirty Six, laid a Levy of Twenty Shillings *per* Tithable, and in the Year One Thousand Seven Hundred and Thirty Seven, laid another Levy of Ten Shillings *per* Tithable, in Current Bills, towards building the said Church, a considerable Part of which is yet unpaid and uncollected:

VII. *BE it therefore Enacted, and it is hereby Enacted, by the Authority aforesaid*, That the several Persons who have not already paid the said Taxes, are hereby commanded and required to pay the same, in Current Bills, as laid by the said Vestries, or in Lieu thereof, in Commodities as aforesaid, in the same Manner, and at the same Times and Places, and to the same Person, as before mentioned, and under the same Penalties as in and by this Act is before directed.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That all Persons who have been heretofore Churchwardens or Commissioners, as also all other Persons whatsoever, who have any Parish or Subscription Money in their Hands, unpaid or unaccounted for, do forthwith, after the Ratification of this Act, account with the Commissioners aforesaid, and pay to them, or their Order, on Demand, all such Sum and Sums of Money which shall appear to be due, owing, and in Arrear, under the Penalty of Ten Pounds Proclamation Money, over and above the Sum so due and in Arrear, to the Parish aforesaid; to be recovered, by Action of Debt, Bill, Plaint, or Information, in the General or County Court.

IX. *AND be it further Enacted, by the Authority aforesaid*, That on the Death or Removal out of the County aforesaid of the said *William Luten*, or any of the aforesaid Commissioners, that the Majority of the Commissioners are hereby im-
powered

powered and authorized to make Choice of a proper Person or Persons, who shall be deemed duly qualified to act in his or their Room and Stead.

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LX. AND be it further Enacted, by the Authority aforesaid, That when the said Church shall be fit to celebrate Divine Service in, all Meetings of Vestries for the said Parish, being first duly summoned, shall be held at the said Church, and at no other Place in the said Parish, under the Penalty of Ten Shillings, Proclamation Money, besides Costs, for each and every Vestryman so refusing or neglecting; to be levied, by a Warrant from under the Hand of one or more Justices of the Peace of the County of Chowan, upon the Goods and Chattles of each and every Vestryman so offending; to be by the aforesaid Commissioners applied to and for the Use of the said Church.

C H A P. IV.

An Act, for the further and better Regulation of the Town called Wilmington, in New-Hanover County; and to establish the Church of the Parish of St. James, to be built in the said Town.

I. **W**HEREAS it is found, by Experience, that the erecting of a Village formerly called *Newton*, into a Town and Township, by the Name of *Wilmington*, has greatly promoted the Trade and Interest, and contributed to the Ease and Conveniency of the Inhabitants of the Counties of *New-Hanover*, *Bladen*, and *Onslow*: And whereas several Disputes have arisen, about the Validity of an Act of Assembly, intituled, *An Act, for erecting the Village called Newton, in New-Hanover County, into a Town and Township, by the Name of Wilmington, and for regulating and ascertaining the Bounds thereof*, which was ratified by the Governor in the last Session of the General Assembly, held at *Newbern*; which Disputes have raised Doubts, and much perplexed the Minds of several of the Inhabitants of the said County of *New-Hanover*: For removing of which, and for quietting the Minds of the said Inhabitants, and for the further and better Encouragement and Regulation of the said Town;

Preamble,

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same*, That every Act, Matter, and Thing, done, acted, and performed by the Inhabitants of the said Town, or by the Justices and Freemen of *New-Hanover* County, or by the Churchwardens and Vestrymen of the said County, and every of them, shall be deemed valid and good, notwithstanding any real or pretended Defect in the Manner of passing the said Act; and that by Reason of the Removal of the County Court of *New-Hanover* from a Village called *Brunswick*, in that County, to the said Town of *Wilmington*, no Cause, Suit, Plaint, or other Matter, of what Nature or Kind soever, which was or is depending in the said Court, shall be deemed or held to be discontinued or abated; but on the contrary, the Justices of the said Court shall proceed, and have Jurisdiction, to try and determine the same, at the said Town of *Wilmington*.

All Things here, tofore done, relating to the Town, declared valid.

III. *AND be it further Enacted, by the Authority aforesaid, That the Burgesses elected by the Inhabitants of the said Town, by Virtue of the said Act, shall be deemed to be duly elected, and qualified to sit and vote in the General Assembly of this Province, so long as this present General Assembly shall continue.*

Burgesses elected for the Town, to sit in Assembly,

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Court of New-Hanover, and Elections, &c. to be held and made at *Wilmington*.

IV. *AND be it further Enacted, by the Authority aforesaid, That the Court of New-Hanover County, and the Election of Representatives for the said County, to sit and vote in the General Assembly, and the Election of Vestrymen for the Parish of Saint James, in the said County, and all other Public Elections for the said County of New-Hanover, for the said Parish called Saint James's Parish, and for the said Town of Wilmington, and every of them, of what Nature or Kind soever, shall be held and made in the said Town of Wilmington, and at no other Place whatsoever.*

The Act for regulating Vestries, &c. relating to transacting Business at *Brunswick*, repealed.

V. *AND be it further Enacted, by the Authority aforesaid, That each and every Clause of an Act, intituled, An Act, for Regulating Vestries in this Government, and for the better inspecting the Vestrymen and Churchwardens Accounts of each and every Parish in this Government, passed in the Year One Thousand Seven Hundred and Twenty Nine, or any other Act or Clause of an Act of this Province whatsoever, which directs the Courts and Elections of the said County, and the Church, Court-house, and Goal of the said County of New-Hanover, and Saint James's Parish, to be held or built at a Place called Brunswick, be and is hereby Repealed.*

Inhabitants of *Wilmington* to send a Burgess to the General Assembly.

VI. *AND be it further Enacted, by the Authority aforesaid, That the Inhabitants of the said Town of Wilmington, and of the County adjacent, qualified, according to the Directions of this Act, shall, for ever, have the Privilege of sending a Burgess to the General Assembly of this Province, therein to consult and vote, in as ample Manner as any Representative of any County or Town of this Province.*

Who shall be Voters.

VII. *AND for ascertaining the Method of chusing the Burgesses or Representatives of the said Town, Be it Enacted, by the Authority aforesaid, That every Man who shall be a Tenant of a Brick, Stone, or framed habitable House, of the Length of Twenty Feet, and Sixteen Feet broad, within the Bounds of the said Town, who, on the Day of Election, inhabits, and for Three Months next before, inhabited such House, shall have a Vote in electing the Representative of the said Town, to be sent to the General Assembly; and in Case there shall be no Tenant of such House qualified to vote as aforesaid, that then, and in that Case, the Person truly and bona fide seized of such House, in his own Right, either in Fee-Simple, Fee-Tail, or for Term of Life, shall be intituled to vote for the said Representative.*

VIII. *AND be it further Enacted, by the Authority aforesaid, That every Man who, on the Day of Election, and, for Three Months next before, shall be an Inhabitant of a Brick House, of the Length of Thirty Feet, and Sixteen Feet broad, between the Bounds of the said Town, upwards, and Smith Creek, and within One Hundred and Twenty Poles of Cape-Fear River, shall be intituled to have a Vote in the Election of the Representative of the said Town of Wilmington, (unless such Inhabitant be a Servant) and shall enjoy all the Rights, Privileges, and Immunities, that any Inhabitant within the said Town shall be intituled to, by Virtue of this Act.*

Who may be a Representative.

IX. *AND be it further Enacted, by the Authority aforesaid, That no Person shall be deemed qualified to be a Representative of the said Town, to sit and vote in the General Assembly, unless, on the Day of Election, he be, and for Three Months next before, was truly and bona fide seized, in his own Right, in Fee-Simple, or for Term of Life, of a Brick, Stone, or framed habitable House, within the Bounds of the said Town, with one or more Brick Chimney or Chimneys, or of a Brick House, of the Length of Thirty Feet, and Sixteen Feet broad, between the Bounds of the said Town, upwards, and Smith Creek, and within One Hundred and Twenty Poles of Cape-Fear River.*

X. AND

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X. AND whereas the Town of *Wilmington*, by Reason of its Scituation and Navigation, is the most central and convenient Place within the District of Port *Brunswick*, both for Exportation and Importation of Goods;

XI. BE it therefore Enacted, by the Authority aforesaid, That the Collector of his Majesty's Customs, and the Naval Officer of Port *Brunswick*, shall always keep and execute their respective Offices in the said Town of *Wilmington*, until his Majesty shall be pleased to give his Directions to the contrary; and likewise, that the Clerk of the County Court of *New-Hanover*, and the Register of Conveyances of the said County, shall, for ever, hold and execute their respective Offices in the said Town of *Wilmington*: And that if any of the said Officers neglect or refuse so to do, each of them so neglecting or refusing, shall, for every Week he shall be a Delinquent, forfeit and pay the Sum of Thirty Shillings, Proclamation Money; to be recovered by any Person who shall sue for the same, in the County Court of *New-Hanover*, by Action of Debt, Bill, Complaint, or Information; One Half to such Prosecutor, and the other Half for the Commissioners, who are or shall be appointed for regulating the said Town; to be applied for the Benefit of the said Town.

Offices to be held in *Wilmington*.

XII. AND be it further Enacted, by the Authority aforesaid, That the Church of the Parish of St. James, in *New-Hanover* County, shall be built in the said Town of *Wilmington*; and all Sums of Money already raised, or which shall be hereafter raised, by Levies, on the Inhabitants of the said Parish, for building a Parish Church, shall be employed to build a Parish Church in the said Town.

Church to be built in *Wilmington*.

XIII. AND for the better regulating the said Town of *Wilmington*, Be it further Enacted, by the Authority aforesaid, That until Commissioners shall be elected and appointed, as herein after directed, Robert Halton, James Murray, Samuel Woodward, Richard Eagles, John Porter, William Faris, and Robert Walker, Esqrs. are hereby established, appointed, and continued Commissioners for the said Town; and the said Commissioners, or a Majority of them, shall have and be invested with all the Powers and Authorities within the Bounds of the said Town of *Wilmington*, (except as to the selling any Lot or Lots in the said Town) in as full and ample Manner, as the Commissioners for the Town of *Edenton* have and possess, by Virtue of any Law heretofore passed.

Commissioners appointed.

XIV. AND be it further Enacted, by the Authority aforesaid, That the Inhabitants of the said Town, and Parts adjacent, qualified to vote for the Representative of the said Town, shall, on the First Tuesday in April next, after the passing of this Act, and on the said Day in each and every Year after, assemble in the Court-house in the said Town, and shall then and there, in the Presence of any Person that they the Inhabitants and Electors, or the Majority of them, shall appoint to take the Poll, elect Five Men, out of which Number the Governor or Commander in Chief for the Time being is hereby impowered to appoint Three Commissioners; and the said Three Commissioners so elected and appointed, or the Majority of them, shall be invested with the same Powers and Authorities of the Seven Commissioners before nominated.

Method of electing Commissioners for the future.

XV. PROVIDED always, That nothing in this Act, or any other Act, shall be taken or construed, to be a Power given to the said Commissioners, to grant, sell, or dispose of Lots, or any Parcel of Land, within the Bounds of the said Town of *Wilmington*.

No Power to sell Land.

XVI. AND be it further Enacted, by the Authority aforesaid, That the Two Taxes of Five Shillings, Current Bills, per Poll, which were laid on the Inhabitants

Former Taxes for building a Court-

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house, applied
towards building
a Goal, and fi-
nishing the
Court-house in
Wilmington.

tants of the said County of *New-Hanover*, by the Justices of the said County, at the Court held at *Brunswick*, on the Eleventh Day of *December* last, to be levied by the Sheriff, between the First Day of *January*, and the First Day of *March*, in the Years One Thousand Seven Hundred and Thirty Nine, and One Thousand Seven Hundred and Forty, Five Shillings *per Poll*, in each Year, in Order to build a Court-house and Goal for the said County, at *Brunswick*, shall be, and are hereby appropriated for building a Goal in the said Town of *Wilmington*, and toward finishing the Court-house already begun in the said Town; and that the Orders which the Justices of the said County have made, and shall make, for the compleat levying the said Taxes, for the Payment and Application of the same, according to the Intent and Meaning of this Act, shall be binding on all and every Person and Persons concerned.

Town Bounds.

XVII. *AND be it further Enacted*, That the Bounds of the Town of *Wilmington*, shall be, and are circumscribed in Manner following; that is to say, To the *Northward*, by the Lands of His Excellency the Governor, upwards, and below, to the *Southward*, by the Lands of *Michael Dyer*; to the *Westward*, by the *Northeast Branch of Cape-Fear River*; and to the *Eastward*, by a Line drawn between the said Lands of the Governor, and *Michael Dyer*, One Hundred and Twenty Poles distant from the River.

C H A P. V.

An Act, to establish and confirm John Hodgson, Esq; Treasurer of the Counties herein after mentioned. O B S.

C H A P. VI.

Repealed by his
Majesty's Order,
in Council.

An Act, to appoint able and skilful Clerks, for the several County Courts within this Province, and for the better securing and safe-keeping the Records of the same.

C H A P. VII.

An Act, for the more effectual Establishing a Ferry from Bath-Town, to Core-Point, and from Core-Point, to Bath-Town; and for preventing any other Ferry within Ten Miles of the said Town of Bath, or Core-Point, on the same Sides of the River.

Private.

I. **W**HEREAS the Ferry from *Bath-Town*, to *Core-point*, and from *Core-point*, to *Bath-Town*, hath been, to the great Damage of the Inhabitants of *Bath-Town*, removed from the said Places; And whereas the Penalties mentioned in the Act of Assembly, intituled, *An Act, concerning the Roads and Ferries*, are found insufficient to deter evil disposed Persons from ferrying over within the Distance prescribed by the said Act: Wherefore, for the further Encouragement of the said Town of *Bath*, and to prevent the removing the Ferry from the said Town of *Bath*, and *Core-point*;

II. WE

A. D. 1740.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That the Justices for the County of Beaufort, shall, at their next Court to be held for the said County, after the Ratification of this Act, nominate and appoint some good and able Person, Inhabitant of the said Town, to keep the Ferry from *Bath-Town*, to *Core-point*; and also, some other able Person, to keep the Ferry from *Core-point*, on the *South Side* of *Pamptico River*, to *Bath-Town*: Which said Persons so appointed, respectively, shall enter into Bond, to the Justices of the said Court, to keep a good and sufficient Boat and Attendance, in Order to transport Passengers and Horses over the said River, with such Regulations as by the said Court shall be judged convenient.

III. AND for the more effectual deterring any Person from ferrying Passengers over the said River, within Ten Miles of the aforesaid Places, on each Side the said River, *It is hereby further Enacted, by the Authority aforesaid,* That any Person or Persons, ferrying over any Person or Persons, Horse or Horses, within Ten Miles of the said Places, on each Side the River, for which he or they shall receive a Reward, under any Denomination whatsoever, he, she, or they, so offending, shall, for each Offence, forfeit and pay the Sum of Five Pounds, Proclamation Money; One Half to the Use of the Parish, the other Half to the Person who shall sue for the same, by Action of Debt, Bill, Complaint, or Information, in any Court of Record in this Province; wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

IV. PROVIDED always, That this Act, nor any Clause or Article herein contained, shall be in Force, so as any Person shall incur any Penalty by the same, until a Road shall be cleared and made passable, according to Law, from *Core-point*, into the main Road leading by *Rigney's Quarter*, to *New-River*, at the Expence of the Person who shall be appointed to keep Ferry at *Core-point*; which said Road, when so made, shall afterwards be maintained and repaired by the Public; and until a convenient House is built, fit to entertain Travellers, and sufficient Boats and Canoes built and provided, for transporting Men and Horses over the said River, to be approved of and allowed by the Justices of the County Court of *Beaufort*.

CHAP. VIII.

An Act, to enable the Parish of St. Andrew's, in Tyrell County, and the Southwest Parish of Pasquotank County, to elect Vestries. O B S.

CHAP. IX.

An Act, to exempt the Inhabitants of Bath-Town from working on the Public Roads, and to oblige the said Inhabitants to clear and keep the Streets of the said Town clear and in good Order.

I. **W**HEREAS there is no Provision made by any Law of this Province, Private, to oblige the Inhabitants of *Bath-Town* to clear, and keep clear, the Streets of the said Town:

G g

II. WE

A. D. 1740.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That from and after the Ratification of this Act, it shall and may be lawful for the Justices of the County of Beaufort, Yearly, to appoint some proper Person, Inhabitant of the said Town, Overseer of the same; which Overseer so appointed, shall, as often as there shall be Occasion, summons the Male tithable Inhabitants of the said Town, to clear the Streets thereof, and remove any Nuisance or Nuisances within the said Town: And if any such Male tithable Inhabitant shall fail or refuse to appear, on such Summons, and work in the said Town, at such Times and Places as the said Overseer shall direct, such Person so neglecting or refusing, shall forfeit and pay the Sum of Two Shillings and Six Pence, Proclamation Money, for every Day he shall so neglect or refuse; to be recovered by a Warrant from any Justice of the Peace of the said County, and applied to the Use of employing Persons to work and keep the Streets of the said Town clear and in good Order.

III. *AND be it further Enacted, by the Authority aforesaid,* That the said Inhabitants shall be, and are, for the future, exempt from working on any of the Public Roads within this Province, out of the Limits of the said Town.

CHAP. X.

An Act, to enable the Justices of Tyrell County, to build a Warehouse on Scopernongs, for receiving of his Majesty's Quit-Rents.

Private.

I. **W**HEREAS a Warehouse, for the Receipt of his Majesty's Quit-Rents, was, by an Act of Assembly, intituled, *An Act, for providing his Majesty a Rent-Roll, for securing his Majesty's Quit-Rents, for the Remission of Arrears of Quit-Rents, and for quieting the Inhabitants in their Possessions; and for the better Settlement of his Majesty's Province of North-Carolina,* directed to be built at Joseph Spruel's Landing, on Scopernongs River, in Tyrell County, for Receipt of his Majesty's Quit-Rents, payable in the said County; to which Place no Pettiagua or other Vessel capable of carrying any Commodities can go, which renders the said Place very inconvenient for the Receipt of the Quit-Rents: And whereas the Place called Samuel Spruel's Landing, on Scopernongs, in the said County, is a Place to which any Sloop can go, and is likewise a convenient Place for the Inhabitants of the said County to pay their Quit-Rents at;

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That the Justices of Tyrell County, instead of building a Warehouse at Joseph Spruel's Landing, shall cause the Warehouse by the aforesaid Act directed to be built at Joseph Spruel's Landing, for Receipt of his Majesty's Quit-Rents, to be built at Samuel Spruel's Landing aforesaid, on Scopernongs, in the said County of Tyrell: And the Justices of the said County are hereby directed to cause the said Warehouse to be built at the said Place, and to lay a Levy, and to apply the same towards building the said Warehouse, and to purchase Land to build the same on, agreeable to the Power to them given by the aforesaid Act of Assembly.

A. D. 1749.

C H A P. XI.

An Act, to enable the Commissioners herein after named, to build a Bridge over Levingston's Creek, between New-Hanover and Bladen Counties.
O B S.

C H A P. XII.

An Act, for the better regulating the Militia of this Government.

Rep. by Act,
June 28, 1746,
Chap. 1.

C H A P. XIII.

An Act, for granting an Aid to his Majesty, to defray the Expences of transporting the several Troops inlisted in his Majesty's Service in this Colony, and to ascertain the Method of paying all Taxes and Levies in Commodities; and for other Purposes therein mentioned.

I. **W**HEREAS his Majesty hath been pleased to send Instructions to the Governor of this Colony, to inlist Men in his Majesty's Service, and afterwards, to transport them, at the Expence of this Colony, to the *West-Indies*, there to join other Troops of his Majesty, sent thither upon an Expedition intended against the *Spaniards*; and this Assembly being desirous of shewing their Loyalty and Duty, and taking into Consideration the most effectual Ways and Means to raise Money to defray the Expences of transporting the said Troops inlisted here, to the *West-Indies*, find, that the Poverty of the People of this Province renders it impracticable to collect a Levy in Money, humbly represent unto your Majesty, that laying a Levy to be paid in the Commodities of the Country, will be the only effectual Expedient for raising a Fund to answer the present Service: Wherefore,

This Act obsolete, except what relates to the Method of paying Taxes and Debts.

II. **W**E pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That Three Shillings, Proclamation Money, for One Year, next after the Ratification of this Act, be paid, for every Tithable within this Province: Which Levy shall be paid in the Commodities hereafter mentioned, at the Rates following; that is to say, Tobacco, *per* Hundred, Ten Shillings; Rice, *per* Hundred, Seven Shillings and Six Pence, for that Part of the Province only heretofore known by the Name of *Bath* County; *Indian-drest* Deer-Skins, not weighing less than One Pound each Skin, Two Shillings and Six Pence the Pound; Bees-Wax, at Ten Pence Half Penny *per* Pound; Tallow, at Four Pence *per* Pound; Pork, in good tight Barrels, dry salted, each Barrel containing Two Hundred and Twenty Weight, at One Pound Seven Shillings *per* Barrel; Beef, in good tight Barrels, dry salted, each Barrel containing Two Hundred and Twenty Pounds, at Seventeen Shillings and Six Pence *per* Barrel.

III. **A**ND be it further Enacted, *by the Authority aforesaid,* That the Inhabitants of that Part of the Province heretofore called *Albemarle* County, shall pay the aforesaid Levy in the aforesaid Commodities, or by Bills of Credit, at the Rate of Seven Pounds Ten Shillings for every Twenty Shillings Proclamation Money,

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Money, at one of the Warehouses in their respective Counties, appointed for the Receipt of his Majesty's Quit-Rents, to the Person or Persons appointed by Virtue of this Act, within the last Ten Days of the Month of *November*, and the last Ten Days of the Month of *January*, then next ensuing; (Beef excepted, which shall be paid and received in Satisfaction of the aforesaid Levy within the last Ten Days of *November* only;) for which the Inspector shall give a Receipt to the Person or Persons bringing the same.

IV. *AND be it further Enacted, by the Authority aforesaid, That each Person of the aforesaid Province, who shall neglect or refuse to pay the aforesaid Levy, in Manner aforesaid, and shall be in Arrear on the First Day of February next, after the last Day of Payment, such Defaulter shall be liable to double Distress; to be levied upon his Goods and Chattels, together with Costs and Charges, by the Sheriff of the County within which such Delinquent inhabits.*

V. *AND be it further Enacted, by the Authority aforesaid, That the Justices of each County in the aforesaid District, formerly called Bath County, shall, at the First County Court which shall be held in the several Counties within the aforesaid District, after the Ratification of this Act, lay a sufficient Levy upon the Inhabitants of their County, not exceeding One Shilling, Proclamation Money, per Tithable, for defraying the Charges of building or hiring a substantial Warehouse, at the most convenient Landing, upon a navigable River, within their County, and shall, with such Levy, on or before the Fifteenth Day of November next, after the Ratification of this Act, build or hire a substantial Warehouse for the safe-keeping of the aforesaid Levy, and all other Levies now laid, or hereafter to be laid: And in Case the said Justices shall refuse or neglect so to do, each Justice so refusing or neglecting, shall forfeit and pay, to his Majesty, the Sum of Five Pounds, Proclamation Money; to be recovered in any Court of Record in this Province, to be applied in building a Warehouse in the said County.*

VI. *AND be it Enacted, by the Authority aforesaid, That John Hodgson, and John Montgomery; Esqrs. Thomas Hunter, John Blount, William Faris, and George Roberts, Gentlemen, be, and are hereby appointed Commissioners, and they, or the Majority of them, are hereby authorized to hire Vessels, and buy Provisions, and all Things necessary, for victualing and transporting Four Hundred Men to the West-Indies; and to defray the Charge thereof, the said Commissioners or the Majority of them, are hereby empowered to receive, of the Inspectors who shall be appointed to receive the aforesaid Levy, all the Money and Commodities they shall receive in Satisfaction thereof, and to sell and dispose of the Commodities as they shall think proper; and the said Commissioners shall account with the General Assembly of this Province for all the Money and Commodities they shall receive, and shall be allowed for their Trouble and reasonable Charges by the General Assembly; and what Surplus shall remain, shall be applied by the General Assembly towards defraying the contingent Charges of Government: And each and every Inspector is hereby directed to keep Account of all Money and Quantity of Commodities they shall receive, and of whom, in Satisfaction of the aforesaid Levy, and shall, on or before the First Day of March, next, after the Ratification of this Act, account with, and pay to the Commissioners, all the Money and Commodities he or they shall receive, or give his or their Notes for, in Case the said Commissioners do require the same; and each Inspector who shall refuse or neglect so to do, within the aforesaid Time, shall forfeit and pay the Sum of One Hundred Pounds, Proclamation Money, to the Use of his Majesty; to be recovered, in any Court of Record in this Province, by Action of Debt, Bill, Complaint, or Information, and to be applied, by the Governor or Commander in Chief for the Time being, for repairing the Warehouse or Houses, and defraying other incident Charges, where such Delinquent shall be Inspector.*

VII. *AND*

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Preamble.

VII. AND whereas the great Scarcity of Money renders it, at present, extremely difficult for the Inhabitants of this Province to pay the Public, County, and Parish Levies already imposed; and as the Paper Bills of Credit will be current only till *November*, One Thousand Seven Hundred and Forty Four, when they will expire, and it will therefore be impossible for the Inhabitants of this Province to pay any Levies or Taxes whatsoever, or any Fines and Forfeitures, unless the Commodities of the Country be accepted in Discharge thereof, according to the Usage and Custom of some of our neighbouring Colonies;

VIII. WE pray that it may be Enacted, *And be it Enacted, by the Authority aforesaid*, That all Public, County, and Parish Levies, already imposed, and which shall be due and payable after the Ratification of this Act, and which shall hereafter be laid and imposed on the Inhabitants of this Province, shall be paid in the Commodities as rated in this Act, in Manner following; that is to say, Every Person paying any Commodities in Discharge of such Levies, shall carry the same to the Inspector of one of the Warehouses in the County where he resides, at the Times before mentioned for Payment of the Levy by this Act imposed, to be received and examined, as is by this Act before expressed and directed.

Levies to be paid in Commodities.

IX. *AND be it further Enacted, by the Authority aforesaid*, That if any Person shall tender any of the Commodities herein mentioned in Discharge of the Levy by this Act laid, or any other Levies or Taxes, and a Dispute shall arise whether the same be good and merchantable, the Party tendering the same may apply to a Magistrate in the County, who is hereby empowered and directed to grant his Warrant, directed to any Constable or other lawful Officer, to summons Two skilful Freeholders, who, upon their Oaths, shall view and examine the same; and if such Commodity so tendered be adjudged good and merchantable, then the Inspector shall receive the same; and in that Case, the Justice granting such Warrant, and the Officer executing it, shall not charge the Inspector, or any other, any Cost, and if paid in Discharge of the Levy by this Act imposed, shall give a Receipt for the same; and if in Discharge of any other Public, County, or Parish Levy, then the said Inspector shall give a Note for the same, in Manner as herein after mentioned: But in Case such Commodity tendered, be, by the said Freeholders adjudged bad, and not sound and merchantable, the Person so tendering the same shall forfeit Half the Value of such Commodity so tendered, as rated by this Act, provided the same had been good, together with Costs; to be paid to the Churchwardens of the Parish where such Commodity shall be tendered, to be applied to the Use of the said Parish,

Where Disputes shall arise about Commodities not being merchantable, Justice to issue his Warrant to a Constable, to summon 2 Freeholders to determine it.

Persons tendering bad Commodities, to forfeit half the Value, with Costs.

X. *AND be it further Enacted, by the Authority aforesaid*, That every Inspector shall, and is hereby authorized, to open every Hogshead, Cask, or Barrel, and diligently view and examine the same, and every Commodity so delivered; and if such Inspector shall think such Commodity tendered to be paid, is good, sound, well-conditioned, and merchantable, he shall weigh the same, with Weights of the lawful Standard, or proved Stilliards, for Eighteen Months only, after the Ratification of this Act, and shall keep an exact Account of all such Commodities by him received; and when he shall receive any Hogshead, Cask, or Barrel, wherein is contained Tobacco, Tallow, Rice, or Bees-Wax, when the same shall be allowed good and merchantable, and weighed by him, he shall stamp every such Hogshead, Cask, or Barrel, with the proper Mark of the Warehouse, or cause the same to be done, in the Presence of the Person so paying the same; and shall also mark thereon, in like Manner, the Tare of the Hogshead or Cask, and the Nett Quantity therein contained.

Inspector to open and view all Commodities, & to weigh them.

And to mark the same with the Name of the Warehouse, and the Gross and Nett Weight.

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Inspectors to give
Notes for Com-
modities by them
received.

Notes to pass
current.

Sheriff to attend
at the Ware-
house, to receive
Levies.

Persons not pay-
ing their Levies
before the last of
January, Sheriff
to distrain.

Sheriff or Col-
lectors to pay In-
spectors Notes to
the Persons ap-
pointed to receive
them, deducting
3 per Cent.

Public Taxes to
be paid to the
Treasurers.

XI. *AND be it further Enacted, by the Authority aforesaid,* That if any Com-
modity shall be brought to any of the Warehouses for Discharge of any other
Public, County, or Parish Levies, than what is imposed by this Act, the said
Inspectors, after they have viewed, examined, and weighed the said Commodity,
shall be obliged to deliver, to the Person bringing the same, as many Promisory
Notes, under their Hands, as shall be required, for the Quantity of Commodities
by them received, in which shall be expressed the particular Commodity by them
received; which said Notes shall be, and are hereby declared current and payable,
according to the Value of the Commodity expressed therein, and shall be transfera-
ble and deemed a Tender for Payment of all County and Parish Levies, and like-
wise all Debts and Dues, in Manner as in this Act is hereafter directed.

XII. *AND be it further Enacted, by the Authority aforesaid,* That the Sheriff
of every County shall attend at the respective Warehouses in his County, at the
Times the Inspector shall attend, and receive all Public, County, and Parish Le-
vies, (except the Levy which is hereby imposed, which shall be paid to the In-
spectors only, and they accountable to the Commissioners,) which shall then be
paid them in Inspectors Notes, current Bills, or Proclamation Money, by the
Persons owing the same; and if any Person, chargeable with the Dues or Levies
aforesaid, shall neglect or refuse to pay the same, on or before the last Day of
January, Yearly, it shall and may be lawful for the Sheriff or other Collector,
after the Tenth Day of February, Yearly, to distrain the Goods and Chattels of
the Person or Persons so neglecting or refusing, and to sell and dispose thereof, at
Public Vandue, for the Money, Tobacco, dressed Deer-Skins, Tallow, or Bees-
Wax, or any of them, after having given Notice Ten Days before such Sale; and
the Overplus, if any, after paying the said Levies and Dues, and the Charges of
Distress, (which is hereby declared to be the same as for serving an Execution,)
shall be returned to the Debtor.

XIII. *AND be it further Enacted, by the Authority aforesaid,* That the Sheriffs
or other Collectors of the said Levies, shall, in one Month after the collecting and
receiving such Levies and Taxes, pay the Inspectors Notes they shall have re-
ceived in Satisfaction thereof, after deducting Three *per Cent.* for collecting, to
the Persons appointed to receive the same; *to wit,* the Notes received for the
Parish and County Taxes, to the Persons appointed and empowered in the several
Counties and Parishes to receive the same, who shall transfer the said Notes to
any Person having any Demand in the Parish or County; and the Inspectors Notes
received for Discharge of the Public Taxes, shall be paid in Manner following;
that is to say, the Sheriff of Craven, Carteret, Onslow, New-Hanover, and Bladen
Counties, shall pay all the Inspectors Notes by them received, and account with
Edward Moseley, Esq; Public Treasurer for the said Counties: And the Sheriffs of
Chowan, Perquimons, Pasquotank, Currituck, Bertie, Edcomb, Tyrell, Beaufort,
and Hyde Counties, shall pay all the Inspectors Notes by them or any of them re-
ceived, in Discharge of such Levies, and account with John Hodgson, Esq; Pub-
lic Treasurer for such Counties: Which said Treasurers are hereby empowered and
directed, to transfer such Notes to any Person who have any Claim or Demand on
the Public, for any Money payable out of such Tax or Levies.

XIV. *AND* whereas a Public Tax, for supporting the contingent Charges of
this Government, is laid, at Five Shillings *per Poll*, current Bill Money of this
Province; to prevent Confusion in the Receipt of the same, by Virtue of this Act,

8 d. Proc. equal
to 5 s. Bills.

XV. *BE it Enacted, by the Authority aforesaid,* That Eight Pence, Procla-
mation Money, shall be deemed equal to the said Five Shillings, and to be paid
in Commodities, according to the Intent of this Act; and all Parish and County
Taxes,

Taxes, and all other Taxes, laid in Bills, shall be paid and discharged in Commodities, as herein rated in Proclamation Money, Regard being had to the Difference of Proclamation Money and Bills, in Value.

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Taxes to be paid
in Commodities.

XVI. *AND be it further Enacted, by the Authority aforesaid, That for every Hoghead of Tobacco brought to any Warehouse in good Cask, of the Dimensions of Forty Eight Inches in Length, and Thirty Two Inches in Width, at the Heads, and containing, at least, Seven Hundred Weight of Tobacco, there shall be allowed, by the Inspector, to the Person bringing the same, Thirty Pounds of Tobacco for the Cask; and also, there shall be allowed to the Inspector, by the Person taking the same away, Two Pounds of Tobacco for every Hundred so paid away, and so in Proportion for a greater or lesser Quantity, for Shrinkage and wasting of the said Tobacco, to be paid at any Time within Two Months after the Date of the Note given for the same; and One Pound per Hundred for every Month after the same shall be unpaid after the said Two Months, and no more, so as the whole doth not exceed Six Pounds for every Hundred.*

Inspector to allow 30 lbs. Tob. for Cask.

Inspector to be allowed two per Cent. for Shrinkage.

XVII. *AND for the better enabling the Inspectors to deliver out Promisory Notes, and to take Care of the Commodities to be brought to the Warehouse, Be it further Enacted, by the Authority aforesaid, That the Inspectors shall be allowed all reasonable Charges for providing printed Notes, and also for finding Cask, Nails, and other Materials, for packing, prizing, and preserving such of the Commodities as require it; to be paid to them as hereafter mentioned.*

Inspectors to be allowed for printed Notes, &c.

XVIII. *AND be it further Enacted, by the Authority aforesaid, That if any Inspector shall neglect or refuse to deliver, to any Person requiring the same, any of the Commodities for which he hath given his Note, he shall forfeit and pay, for every such Offence, to the Party grieved, double the Value of the Commodities demanded by such Note or Notes; to be recovered by a Warrant from Two Justices of the Peace of the said County where such Person is Inspector, who are hereby authorized to hear and determine the same, and cause Execution to be made.*

Inspector refusing to deliver Commodities, to forfeit double the Value.

XIX. *PROVIDED always, That such Person or Persons who is or are possessed of any Notes, or who shall have any Demands on the Public, to be paid by the said Notes, shall take away all and singular the Goods specified in any Note or Notes, on or before the First Day of April, in every Year; or if such Goods remain in the Warehouse after that Time, it shall be at the Risque of the Person or Persons intituled to the same, by Virtue of such Notes, or who have any Demands on the Public, payable out of such Taxes.*

Owners to take away Commodities before April 1, or to lie at their own Risk.

XX. *PROVIDED also, That the Public Treasurers may, at any Time before, dispose of any of the Commodities paid in as aforesaid, for the Public Tax, for Money, at the Rates herein before mentioned; and all Commodities remaining in any of the aforesaid Warehouses after the First Day of April, and after paying all Charges and Demands on the Public, payable out of the said Tax, the said Treasurers may dispose of the same, at Vandue, to the highest Bidder, first giving Ten Days Notice of such sale.*

Public Treasurers may dispose of Commodities at any Time.

XXI. *AND be it further Enacted, by the Authority aforesaid, That the Justices of each County, at the Court to be holden for each County next after the Ratification of this Act, shall appoint one Inspector for each Warehouse in each County; which Inspector shall receive all the Commodities tendered to him in Discharge of the Tax or Levy imposed by this Act, and account with the Commissioners and Treasurers herein before named for the same, and shall always receive the Commodities paid in Discharge of the other Levies and Taxes, according*

Justices to appoint Inspectors, and to agree with them for their Salaries; on Penalty of 5l.

to

A. D. 1740.

to the true Intent and Meaning of this Act, and shall agree with such Inspectors for their Salary; and if the Justices refuse or neglect so to do, each Justice so neglecting or refusing, shall forfeit and pay, to his Majesty, Five Pounds, Proclamation Money, to be applied, by the Governor or Commander in Chief, towards Payment of the Salary of the Inspector of that County, which shall be afterwards appointed by the Governor; to be recovered, by any Person who shall sue for the same, in any Court of Record in this Province, by Action of Debt, Bill, Plaint, or Information; wherein no Essoign, Protection, or Wager of Law, shall be allowed.

Justices to lay a Tax, not exceeding 1 s. to build Warehouses, &c.

XXII. *AND be it further Enacted, by the Authority aforesaid,* That the Justices of each County, at the Court next after the Ratification of this Act, and so Yearly, shall have Power to employ Persons to build Warehouses, or make Additions or Repairs to those already built, and shall provide Weights, Scales, and other Necessaries, and pay the Inspectors; and to defray the Expences thereof, shall and may lay a Levy, Yearly, on every tithable Person, not exceeding One Shilling, Proclamation Money, *per* Tithable, to be paid and collected by the Sheriff, in Manner as all other Levies are, excepting the Levy laid by this Act, for which the Sheriff shall be only allowed Three *per Cent.* for collecting: And the said Justices are hereby impowered to turn out any Inspector or Inspectors, on Complaint, and Proof of Misbehaviour in his or their Offices, and to appoint others in his or their Room.

Sheriff allowed 3 *per Cent.* for collecting.
Justices to turn out Inspectors.

Inspector to take an Oath, to give Security, and attend at the Warehouse.

XXIII. *AND be it further Enacted, by the Authority aforesaid,* That every Person who shall be appointed Inspector, shall, before he enters upon the Execution of his Office, take the following Oath, *viz.* That he will carefully view and examine all Commodities brought to the Warehouse whereof he is Inspector, and, to the best of his Skill and Judgment, not receive any Commodity in this Act mentioned, that is not sound, well-conditiond, and, in his Judgment, merchantable, and faithfully discharge the Duty of his Office, without Favour or Affection; and shall also enter into Bond, with good Securities, in the Penalty of Five Hundred Pounds, Proclamation Money, payable to his Majesty, with Condition, for the true and faithful Performance of his said Office and Trust; and shall constantly attend at the Warehouse under his Charge, at the Times in this Act mentioned.

Penalty on Persons forging Inspectors Notes.

XXIV. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons shall forge or counterfeit any Inspectors Note, or tender in Payment any such forged or counterfeit Note, or demand any Commodity of any Inspector upon any such forged or counterfeit Note, knowing the same to be so, he shall be fined Fifty Pounds, Proclamation Money, stand one Hour in the Pillory, with his Ears nailed thereto, and cut off.

Accidents by Fire to be made good by the Assembly.

XXV. *AND be it further Enacted, by the Authority aforesaid,* That if any Warehouse, or any House wherein any Commodities are lodged, payable by this Act, shall accidentally be burnt, the Loss sustained thereby shall be made good and repaired by the General Assembly, at the next Sessions after such Loss, at the Charge of the Public.

Fines, Forfeitures, or Debts, payable in Inspectors Notes.

XXVI. *AND to enable the Inhabitants of this Province to pay Fines and Forfeitures, and to relieve Debtors, as to the Imprisonment of their Persons; Be it Enacted, by the Authority aforesaid,* That every Person who shall be liable to pay Fine and Forfeiture, or Debts, due by Judgment, or against whom Execution shall issue, for any Debt or Debts hereafter to be contracted, only shall and may carry any of the Commodities in this Act mentioned to a Public Warehouse, in the County where such Debtor has contracted such Debt, which shall, by Vir-
tue

tue of this Act, be built or hired, and the Inspector shall inspect the same, in the Manner by this Act directed, and if good, shall deposite the same in the Warehouse, and shall give such Person a transferable Note, in the Manner directed to be given by this Act, on the Receipt of Commodities for Public Levies; which Notes the Persons intituled to have and receive such Fines and Forfeitures, or Persons to whom Monies are due, on such Judgments, or from Persons being in Execution, as aforesaid, shall accept, at the Rate the Commodities mentioned in such Note are valued at by this Act; and such Note tendered shall be deemed a sufficient Payment of such Fine and Forfeiture, Judgment and Execution, as aforesaid, as if made in Proclamation Money, Regard being had to the Exchange between Proclamation Money, and the Money to be paid by such Person who tenders such Note; provided such Note be tendered within the Time such Commodities are by this Act to remain in the Public Warehouses.

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XXVII. *PROVIDED* always, That nothing in this Act shall extend to intitle Officers to take higher Fees than heretofore, but the same shall be taken at the Rate of Four for One, in Bills, from the Table of Fees, when paid in Bills, or may be paid in Commodities by Inspectors Notes, as rated in this Act, in Bills, as Four bares in Proportion to Seven and a Half, until the same shall be further regulated by an Act of Assembly.

Rep. by Act.
April 6, 1748.

XXVIII. *PROVIDED* also, That nothing in this Act shall extend to effect the Loan Money; but the same shall remain as before the passing of this Act.

SIGNED by

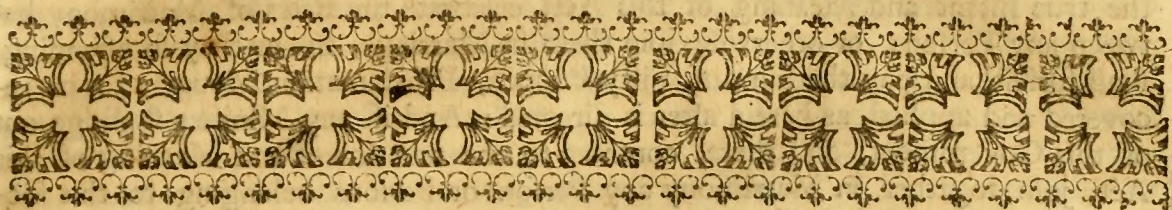
GABRIEL JOHNSTON, Esq; Governor.

William Smith, President.

JOHN HODGSON, Speaker.



A. D. 1741.



Anno Regni

G E O R G I I I I,

Regis, *Magnæ Britanniae, Franciæ, & Hiberniæ*, Decimo Quinto.

At a General ASSEMBLY, held at *Edenton*, the Fourth Day of *April*, in the Year of our Lord One Thousand Seven Hundred and Forty One.

GABRIEL
JOHNSTON,
Esq; Governor.

C H A P. I.

An Act, concerning Marriages.

I. **F**OR preventing clandestine and unlawful Marriages, We pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That every Clergyman of the Church of England, or for want of such, any lawful Magistrate, within this Government, shall, and they are hereby directed, to join together in the Holy Estate of Matrimony, such Persons who may lawfully enter into such a Relation, and have complied with the Directions herein after contained.

Minister, or
Justice, may
marry Persons.

II. *AND be it further Enacted, by the Authority aforesaid,* That no Justice of the Peace of any County in this Government, shall join together in Marriage, any Persons whosoever in any Parish where a Minister shall reside and have a Cure, without Permission first had and obtained from such Minister; under the Penalty of Five Pounds Proclamation Money, to the Use of the Minister.

No Justice to
marry when a
Minister is in the
Parish, on Pen.
of 5 l.

III. *AND be it further Enacted, by the Authority, aforesaid,* That no Minister or Ministers, Justice or Justices of the Peace, within any of the Parishes of this Government, shall celebrate the Rites of Matrimony between any Persons, or join them together as Man and Wife, without License first had and obtained for that Purpose, according to the Directions of this Act, or Thrice Publication of the Banns, as prescribed by the Rubrick in the Book of Common-Prayer: And

No Minister or
Justice to marry
without License,
or Publication of
Banns, on Pen.
of 50 l.

if

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Minister going out of the Government, and marrying Persons of this Government, without License, or Banns published, to incur the same Penalty.

if any Minister or Ministers, Justice or Justices of the Peace, shall, contrary to the true Intent and Meaning of this Act, celebrate the Rites of Matrimony between any Persons, or otherwise join them in Marriage, he or they so offending, shall forfeit and pay the Sum of Fifty Pounds, Proclamation Money; to be recovered and applied as herein after is directed: And if any Minister shall go out of this Government, and there, contrary to the true Intent and Meaning of this Act, join together in Matrimony any Person or Persons belonging to this Government, without such License, or Publication of Banns, as is herein prescribed, every Minister so offending, shall incur the same Penalties and Forfeitures, as if the same had been done in this Government.

Clerk or Reader may publish the Banns, and give Certificate.

IV. *PROVIDED* always, and be it further Enacted, by the Authority aforesaid, That where any Parish or Parishes have not a Minister, it shall and may be lawful for the Clerk or Reader which shall be appointed by the Vestry of the said Parish, to publish the Banns between any Persons desiring the same, and if no Objection be made, to grant a Certificate thereof; and such Certificate shall be sufficient for any Minister or Justice of the Peace, to solemnize the Rites of Matrimony between the Parties so published.

If they grant a false Certificate, to suffer as in Case of Forgery.

V. *AND* be it further Enacted, by the Authority aforesaid, That if any Minister, Clerk, or Reader, shall grant a false Certificate, he or they so offending, shall be liable to such Punishment as in Case of Forgery at Common Law; and all such Offences shall be prosecuted, tried, and determined, in the General Court of this Province.

Proceedings to be had in obtaining a Marriage License.

VI. *AND* be it further Enacted, by the Authority aforesaid, That all Licenses for Marriages shall be issued by the Clerk of the Court of that County where the Feme shall have her usual Residence, and by him only, and in such Manner, and under such Rules and Directions, as are herein after provided; that is to say, He shall take Bond, to our Sovereign Lord the King, his Heirs and Successors, with good Sureties, in the Penalty of Fifty Pounds, Proclamation Money, under Condition, That there is no lawful Cause to obstruct the Marriage for which the License shall be desired: And if either of the Persons intended to be married shall be under the Age of Twenty One Years, and not theretofore married, the Consent of the Parent or Guardian shall be personally given before the said Clerk, or signified under the Hand and Seal of the said Parent or Guardian, and attested by Two Witnesses; all which being done, the Clerk shall write the License, and shall certify specially the said Bond: And if the Persons in the License, or either of them, be under the Age of Twenty One Years, he shall also certify the Consent of the Parent or Guardian of such Person so under Age, and the Manner thereof, to the first Justice in Commission of the Peace for that County, or to such other Person as shall be thereto commissioned by the Governor or Commander in Chief for the Time being; which Premises being performed, the Justice of the Peace or other Person commissioned as aforesaid, is hereby authorized, impowered, and required, to sign and direct the said License; and a License so obtained and signed, and no other whatsoever, is declared to be a lawful License, according to the true Intent and Meaning of this Act: And if any County Court Clerk shall, in any Manner, issue any License of Marriage, or, contrary to this Act, make Certificate of any License of Marriage; and if any Person whatsoever shall sign or direct a License in any other Manner than is by this Act permitted and allowed; all and every Person or Persons so offending, shall forfeit and pay the Sum of Fifty Pounds, Proclamation Money; to be recovered and applied as herein after is directed.

Minister or Reader wittingly publishing Banns

VII. *AND* be it further Enacted, by the Authority aforesaid, That if any Minister or Reader shall wittingly publish, or cause or suffer to be published, the Banns

Banns of Matrimony between any Servants, or between a free Person and a Servant; or if any Minister or Justice of the Peace shall wittingly celebrate the Rites of Matrimony between any such, without a Certificate from the Master or Mistress of every such Servant, that it is done by their Consent; he shall forfeit and pay Five Pounds, Proclamation Money, to the Use of the Master or Owner of such Servant; to be recovered by Action of Debt, Bill, Plaint, or Information: And every Servant so married, without the Consent of his or her Master or Mistress, shall, for his or her said Offence, serve his or her said Master or Mistress, their Executors, Administrators, or Assigns, One whole Year, after the Time of Service by Indenture or Custom is expired.

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between Servants
without Master's
Leave, to forfeit
5 l.

Servant marrying
without Leave,
to serve 1 Year.

VIII. *AND be it further Enacted, by the Authority aforesaid, That the Clerk of each County, Annually, at or before the Twenty Fifth Day of March, shall send or deliver to the Governor or Commander in Chief for the Time being, an exact Account of the Marriage Licences issued by him; and each Clerk failing herein, shall forfeit and pay the Sum of Five Pounds, Proclamation Money; to be levied and applied as herein after is directed.*

Clerk to account
with the Govern-
nor, for Mar-
riage Licences.

IX. *AND be it further Enacted, by the Authority aforesaid, That the Fees upon the said Marriages, shall be as followeth; that is to say,*

Fees.

TO the Governor or Commander in Chief for the Time being, for each Licence of Marriage, Twenty Shillings, Proclamation Money.

TO the Clerk of the County Court, for issuing the same, and taking the Bond, Five Shillings, of the like Money.

TO the Minister, for marrying, if by Licence, Ten Shillings, if by Banns, Five Shillings, of the like Money.

TO the Justice of the Peace, for marrying, Five Shillings.

TO the Minister or Reader, for publishing the Banns, and granting Certificate, One Shilling and Six Pence, of the same Money.

X. *AND be it further Enacted, by the Authority aforesaid, That if any Minister or Justice of the Peace of any County or Parish where a Clergyman doth not reside, shall refuse to celebrate the Rites of Matrimony, for the Fees herein set down and allowed, or shall demand or receive, for marrying, either by themselves, or by any other Person for them, any larger Fees than before mentioned to be allowed to the Minister or Justice of the Peace, he shall forfeit and pay, for every such Offence, that is to say, if the Marriage was to have been by Licence, Ten Pounds, or if by Banns, Five Pounds, Proclamation Money; One Moiety of all the Fines and Forfeitures in this Act before mentioned and not particularly appropriated, to be paid to the Churchwardens of the Parish for the Time being, for the Use of the Parish where the Offence shall be committed, the other Moiety to him or them that will inform or sue for the same; to be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information.*

Minister or Jus-
tice refusing to
marry for lawful
Fees, to forfeit,
if by Licence, 10 l.
if by Banns, 5 l.

XI. *AND be it further Enacted, by the Authority aforesaid, That if the Minister or Reader of any Parish within this Government, shall refuse to publish and certify the Banns, for the Fees herein set down, and allowed him for the same, he shall, for every such Offence, forfeit and pay, to the Party grieved, Ten Pounds, Proclamation Money; to be recovered as before mentioned.*

Minister or Rea-
der refusing to
publish Banns for
lawful Fees, to
pay the Party
grieved 10 l.

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Minister of the
Parish to have the
Fee, if he doth
not refuse, tho'
another be em-
ployed.

XII. *PROVIDED* always, That the Minister serving the Cure of any Parish, shall have the Benefit of the Fee for Marriages in the said Parish, if he do not neglect or refuse to do the Service thereof, altho' any other Person performed the Marriage Ceremony.

White Persons
intermarrying
with Negroes,
&c. to forfeit
50 l.

XIII. *AND* for Prevention of that abominable Mixture and spurious Issue, which hereafter may increase in this Government, by white Men and Women intermarrying with *Indians*, Negroes, Mustees, or Mulattoes; *Be it Enacted, by the Authority aforesaid*, That if any white Man or Woman, being free, shall intermarry with an *Indian*, Negro, Mustee, or Mulatto Man or Woman, or any Person of mixt Blood, to the Third Generation, bond or free, he shall, by Judgment of the County Court, forfeit and pay the Sum of Fifty Pounds, Proclamation Money, to the Use of the Parish.

Minister or Jus-
tice knowingly
marrying white
Persons to Ne-
groes, &c. to
forfeit 50 l.

XIV. *AND be it further Enacted, by the Authority aforesaid*, That no Minister of the Church of England, or other Minister, or Justice of the Peace, or other Person whatsoever within this Government, shall hereafter presume to marry a white Man with an *Indian*, Negro, Mustee, or Mulatto Woman, or any Person of mixt Blood, as aforesaid, knowing them to be so, upon Pain of forfeiting and paying, for every such Offence, the Sum of Fifty Pounds, Proclamation Money; to be applied as aforesaid.

All Fines exceed-
ing 26 l. 13 s.
& d. to be tried
in the G. Court.

XV. *AND be it further Enacted, by the Authority aforesaid*, That the several Fines and Forfeitures in this Act, which exceed the Sum of Twenty Six Pounds Thirteen Shillings and Four Pence, Proclamation Money, shall be heard, tried, and determined, in the General Court of this Province; and all under the aforesaid Sum, shall be heard, tried, and determined, in the Court of the County where the Offence shall be committed.

All under, in the
County Court.

Repealing Clause.

XVI. *AND be it further Enacted, by the Authority aforesaid*, That all and every Act and Acts, and every Clause and Article thereof, heretofore made, so far as relates to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

CHAP. II.

An Act, to impower the several Commissioners herein named, to make, mend, and alter the several Highways, Roads, and Bridges, and to clear and cleanse Creeks and Water-Courses; and also, to cut such Cuts as they shall think convenient, in the several Counties herein after named, E X P.

CHAP. III.

An Act, to give further Time for collecting the Aid granted to his Majesty, for Subsistence of the Forces raised in this Province; and for the better collecting Taxes and Levies, and to direct the Method of accounting for the same, and other Public Monies herein mentioned. O B S.

C H A P. IV.

An Act, to make and confirm that Part of the main Road leading from Bennet's Creek Bridge, to Virginia, joining to Mr. Henry Baker's, in Chowan County, altered, for the Conveniency of the Public, by the adjacent Inhabitants, to be the Main and Public Road.

I. **W** H E R E A S that Part of the main Road joining to *Henry Baker's*, as formerly laid out and used, is very hilly, bad, troublesome, and inconvenient for Carts and Carriages, and the Inhabitants adjacent to, and obliged to work on that Part of the Road, have agreed together and altered and turned the said Road, and made it much shorter, better, and more convenient for Carriages and Passengers; and the said Inhabitants, by their Petition, having prayed that such Part of the Road so altered and made by them as aforesaid, may be confirmed and deemed the Public Road:

Preamble.

II. W E pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That from and after the Ratification of this Act, that Part of the Public Road from *Bennet's Creek*, in *Chowan County*, leading by *Henry Baker's*, so altered and made as aforesaid, be confirmed and deemed Part of the Public Road, and no other; and that the Persons obliged to work on and maintain the old Road, be, and are hereby compelled to work on and maintain the Road so altered; any Law, Custom, or Usage, to the contrary, notwithstanding,

Public Road declared.

C H A P. V.

An Act, to appoint Constables.

I. **T** O the End that Constables may be regularly appointed, throughout this Government;

II. W E pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That the Courts of the several Counties which now are, or hereafter shall be, within this Government, shall, at the Court to be holden for each respective County in this Government, next after the First Day of *January*, Yearly, and every Year, nominate and appoint as many Persons of their said County as they shall judge necessary, to be Constables within the same, for the then ensuing Year; which Constables so appointed, shall have the following Oath administered to them; that is to say,

County Courts Yearly to appoint Constables.

Y O U shall swear, *That you will well and truly serve our Sovereign Lord the King, in the Office of a Constable; you shall see and cause his Majesty's Peace to be well and duly preserved and kept, according to your Power; you shall arrest all such Persons as, in your Sight, shall ride or go armed offensively, or shall commit or make any Riot, Affray, or other Breach of his Majesty's Peace; you shall do your best Endeavour, upon Complaint to you made, to apprehend all Fellons and Rioters, or Persons riotously assembled; and if any such Offenders shall make Resistance, with Force, you shall make Hue and Cry, and shall pursue them, according to Law;*

Constable's Oath.

you

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you shall faithfully, and without Delay, execute and return all lawful Precepts to you directed; you shall well and duly, according to your Knowledge, Power, and Ability, do and execute all other Things belonging to the Office of a Constable, so long as you shall continue in this Office.

So help you God.

Constables Power.

III. *AND be it further Enacted, by the Authority aforesaid, That each and every Constable, so appointed, nominated, and sworn, is, and they are hereby invested with, and may execute the same Power and Authority, to all Intents and Purposes, as the Constables within the Kingdom of England are by Law invested with and execute.*

Constable neglecting to qualify in 10 Days after Notice, to forfeit 50 s.

IV. *AND be it further Enacted, by the Authority aforesaid, That if any Person or Persons, nominated and appointed Constable by the Court of any of the Counties within this Government, shall neglect or refuse to qualify himself, according to the Directions of this Act, within Ten Days after Notice of his Nomination and Appointment as aforesaid, without he can shew sufficient Cause for his Neglect, to be admitted of by the Justices, who shall or may grant their Warrant to recover the Penalties in this Act mentioned, he shall forfeit the Sum of Fifty Shillings, Proclamation Money; to be recovered by a Warrant from Two Justices of the Peace in the County where such Person was appointed Constable, and applied to the Use of the County where such Constable is appointed; provided such Notice be in Writing, signed by the Clerk of the Court, and served by the Sheriff of the County, or preceeding Constable, on such Constable or Constables as shall be appointed, according to the Directions of this Act.*

Persons exempt from serving as Constable.

V. *PROVIDED always, That no Person in Commission of any Office, Civil or Military, or Member of Assembly, for the Time being, nor any one who has served in any such Station, nor any other who has served as Constable, within the Space of Five Years before, nor any Person who is exempt, by the Laws of England, shall be obliged to serve in the Office of Constable; any Law, Usage, or Custom, to the contrary, notwithstanding.*

Justice to administer the Oath.

VI. *AND be it further Enacted, That any one Justice of the Peace of the County, shall, and he is hereby empowered, to administer to the several Constables hereafter to be appointed in his County, the Oath directed by this Act for their Qualification.*

On Death or Removal of Constables, Justices to appoint others, 'til the next Court; when they may continue them, or appoint others.

VII. *AND be it further Enacted, by the Authority aforesaid, That upon the Death or Removal of any Constable out of the District for which he was appointed Constable, it shall and may be lawful for the Justices of the County Court, in which such District shall be, or any one of them, to appoint and swear another Person, to be Constable in the Room and Stead of the Constable dead or removing out of his District as aforesaid, who shall Act until the next County Court; the Justices of which Court shall then either continue the Person appointed as aforesaid, or nominate and appoint a new one.*

Constable refusing to serve Precepts, to be fined, at the Discretion of the Court.

VIII. *AND be it further Enacted, by the Authority, aforesaid, That if any Constable to whom any Precept is directed, by any Justice of the Peace, shall refuse or neglect, to serve such Precept, he shall, for every such Offence, on Complaint of the Party prosecuting, be fined, at the Discretion of the Court of which such Justice is a Member; to be paid to the Complainant.*

For want of a Constable, Precept may be directed to any Person,

IX. *AND for the better executing any Precept or Mandate, in extraordinary Cases; Be it Enacted, by the Authority aforesaid, That it shall and may be lawful, to and for any Justice of the Peace within this Government, to direct any such Precept or Mandate, in the Absence of, or for Want of a Constable, to any Person,*

Person, not being a Party, who shall be obliged to execute, or endeavour, in the best Manner he can, to execute the same, under the like Penalty any Constable shall be liable to, by Virtue of this Act; to be recovered and applied as aforesaid.

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rected to any other Person, not being a Party.

X. *AND be it Enacted, by the Authority aforesaid, That every Constable within this Province, appointed and qualified, as herein before is directed, shall be, and is hereby exempted from all Provincial, County, and Parish Taxes, for himself only, and from working on the Roads, for and during the Year he shall be Constable; any Law, Usage, or Custom, to the contrary, notwithstanding.*

Constables exempted from paying Taxes, and working on the Roads.

XI. *AND be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article of the same, heretofore made, so far as relates to the appointing of Constables, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.*

Repealing Clause.

CHAP. VI.

An Act, to improve and amend the Navigation of New River, in Onslow County. O B S.

CHAP. VII.

An Act, to confirm and erect that Part of the Province of North-Carolina called Edgcomb County, into a County, by the Name of Edgcomb County, and for establishing the said County a Parish; and for ascertaining the Boundary Line between the Northwest and Society Parishes, in Bertie County.

I. **W**HEREAS the Inhabitants of *Edgcomb County*, in this Province, who are very numerous, labour under great Hardships, for want of Representatives in the General Assembly of this Province;

Preamble.

II. *WE pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That that Part of this Province now called Edgcomb County, be, and is hereby established a County, by the Name of Edgcomb County, the Bounds whereof shall be as follow; Beginning on Roanoke River, at Jenkin Henry's upper Corner Tree, from thence, a streight Course to the Mouth of Cheek's Mill Creek, on Tar River; and from the South Side of the said River, opposite to the said Creek, a streight Line unto the Middle Grounds, between Tar and Neus Rivers; which shall be the dividing Line between Beaufort, and Edgcomb, and Craven Counties; and from thence, up as nigh as may be, keeping the Middle between the said two Rivers, which shall be the dividing Line between the Counties of Craven and Edgcomb, and Beaufort: And the County Courts of Craven and Edgcomb, are hereby impowered, each of them, for their respective Counties, to appoint Two Commissioners to run out the Bounds or dividing Line between Craven and Edgcomb; which Line so run out as abovesaid, and marked, shall be the dividing Line between the said Counties.*

Edgcomb established.

Its Bounds,

Commissioners to lay out the said Bounds.

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County to send 2
Burgesses.

III. *AND be it further Enacted, by the Authority aforesaid,* That the Freeholders of the said County, qualified to vote, as the Law directs, shall, for ever, after the Ratification of this Act, send Two Representatives to the General Assembly of this Province; which Representatives shall have as full Power to consult and vote in the General Assembly, as the Representatives of any other County.

County to have
a Court, and all
proper Officers.

IV. *AND be it further Enacted, by the Authority aforesaid,* That the said County shall have Justices of the Peace, and a County Court, with the like Jurisdiction with the Courts of the other Counties of this Province; and likewise, a Sheriff, a Coroner or Coroners, and all other Officers incident to a County.

V. *AND* whereas divers Disputes have arose, touching the Legality of the Courts heretofore established in the said County, and touching the Validity of the Commission appointing a Sheriff for the said County; which have disquieted the Minds of the Inhabitants of the said County :

Proceedings of
the Court here-
tofore, declared
valid.

VI. *BE it therefore Enacted, by the Authority aforesaid,* That all Judgments, Executions, Orders, and Proceedings of the said Court, pronounced, issued, and made, agreeable to the Rules of Law, and the Execution of all Writs whatsoever, done according to Law, and all other Acts done by the said Sheriff, by Virtue of his Office aforesaid, be, and are hereby confirmed and declared valid; any Defect in the Order of the Governor and Council, made for the Establishment of the aforesaid County, notwithstanding.

Justices to lay a
Tax, to build a
Court-house,
&c.

VII. *AND be it further Enacted, by the Authority aforesaid,* That the Justices of the said County Court, be, and are hereby impowered, to lay a Poll-Tax, on the Inhabitants of the said County, not exceeding the Sum of Five Shillings, Proclamation Money, and to cause the same to be levied, in the Manner other Public Taxes are levied and collected, and with the said Tax, at some convenient Place in the said County, at their Discretion, to erect a Court-house, Prison, and Stocks; and likewise, at all Times hereafter, as often as the said Court-house or Prison shall be out of Repair, to lay a Poll-Tax on the said Inhabitants, not exceeding such Sum of Money as shall be necessary, for repairing the said Buildings.

County made a
Parish, distinct
from any other.Freeholders to
choose Vestries
and Churchwar-
dens.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That the said County be, and is hereby established a Parish, by the Name of *Edgcomb* Parish; which Parish shall be distinct from the Parishes of which it was heretofore a Part; any Act of Assembly to the contrary, notwithstanding: And the Freeholders of the said Parish, duly qualified to vote, as in other Parishes, are hereby impowered to choose a Vestry, and the said Vestry to elect Churchwardens; which Vestry shall have as full Power and Authority to lay Taxes, and to do all other Matters and Things to a Vestry belonging, as the Vestries of the other Parishes of this Province.

Vestries how to
be chosen.

IX. *AND* to the End, the First Vestry of the said Parish be duly Elected; *Be it further Enacted, by the Authority aforesaid,* That the Sheriff of the said County shall summon the Freeholders of the said Parish to meet, at such Place as shall hereafter be appointed for the Court-house of the said County, who shall then and there elect Twelve Vestrymen, and the said Vestrymen shall then and there elect, out of their Number, Two Churchwardens; which Vestry and Churchwardens shall continue in Office until the Time by Law appointed for the Election of new Vestries and Churchwardens in the several other Parishes of this Government; and the said Freeholders shall then, and for ever after, elect Vestries and Churchwardens, according to the Method by Law prescribed for the Choice of Vestries and Churchwardens for the several Parishes in this Province.

X. *AND*

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Bounds of Parishes.

X. AND for ascertaining the Bounds between the *Northwest* and *Society* Parishes, in *Bertie* County, *Be it Enacted, by the Authority aforesaid*, That the Boundary Line of the said Parishes shall run thus; *to wit*, From the Mouth of *Sandy* Run, to the Head thereof; and from thence, in a streight Line, to *Ahoskey* Swamp; and from thence, along the old dividing Line between the said Two Parishes; which Line shall, for ever, be deemed the Boundary Line of the said Two Parishes; any Law to the contrary, notwithstanding.

XI. *AND be it further Enacted, by the Authority aforesaid*, That the Arrears now due from the Inhabitants of *Edgecomb* County, to *Society* and *Northwest* Parishes, of which it was a Part, shall be paid to the Churchwardens of the said *Society* and *Northwest* Parishes, as if this Act had not been made.

Arrears of Taxes to be paid.

C H A P. VIII.

An Act, to prevent stealing of Cattle and Hogs, and altering and defacing Marks and Brands, and mismarking and misbranding Horses, Cattle, and Hogs, unmarked and unbranded.

I. **W** H E R E A S many wicked Men in this Province, being too lazy to get their Living by honest Labour, make it their Business to ride in the Woods and steal Cattle and Hogs, and alter and deface the Marks and Brands of others, and mismark and misbrand Horses, Cattle, and Hogs, not marked or branded: And whereas the Laws in Force in this Province are, by Experience, found not to be sufficient to remedy those Evils;

Preamble.

II. *WE* pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same*, That if any free Person or Persons shall steal any Neat Cattle or Hog, or shall alter or deface the Mark or Brand of any other Person or Persons Horse, Neat Cattle, or Hog, such Person or Persons, being thereof lawfully convicted, shall, for every Neat Cattle or Hog he or they shall steal; or for every Horse, Mare, Colt, Neat Cattle, or Hog, whose Mark or Brand he or they shall alter or deface, over and above the Value of such Neat Cattle or Hog so stole; or for every Horse, Mare, Colt, Neat Cattle, or Hog, whose Mark or Brand he or they shall alter or deface; forfeit and pay the Sum of Ten Pounds, Proclamation Money; to be recovered, by Action of Debt, in any Court of Record within this Province, (wherein no Essoign, Injunction, Protection, or Wager of Law, shall be allowed or admitted of,) by the Owner of such Horse, Mare, Colt, Neat Cattle, or Hog, that shall be so stolen, or the Mark or Marks, Brand or Brands, so altered or defaced, provided he prosecute for the same within Six Months after Discovery of the Fact committed; and after that Time, any Person may, as well as the Owner, sue for and recover the same, provided such Prosecution is commenced within One Year after Discovery of the Fact committed; and the Offender shall, over and above the said Fine, receive Forty Lashes on his bare Back, well laid on; and for the Second Offence, shall pay the Fine above-mentioned, and stand in the Pillory Two Hours, and be branded in the left Hand, with a red hot Iron, with the Letter T: And if any Person or Persons shall mismark or misbrand any unbranded or unmarked Horse, Mare, or Colt, Neat Cattle, or Hog, not properly his or their own, he or they shall forfeit and pay the Sum of Ten Pounds, Proclamation Money, over and above the Value thereof,

Persons stealing Cattle, &c. or altering Marks of Cattle, &c. what Penalties liable to.

for

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for every such Horse, Mare, Colt, Neat Cattle, or Hog, so mismarked or misbranded; to be recovered as aforesaid.

Persons seeing the Crimes committed, and not discovering it in 10 Days, to forfeit 5l.

III. AND to prevent the Concealing such Offences, *Be it Enacted, by the Authority aforesaid*, That if any Person or Persons shall see any other Person or Persons committing any of the Crimes aforesaid, and shall not discover the same, in Ten Days, to some Magistrate, then, and in such Case, such Person or Persons, for not discovering the said Crime, shall forfeit the Sum of Five Pounds, Proclamation Money, for every Time he shall see the said Crime or Crimes, or any of them, committed; to be recovered, by any Person or Persons who will sue for the same, by Action of Debt, in any Court of Record in this Province; wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

Evidence sufficient, if he told any Person he saw the Crimes committed.

IV. AND because it is difficult to convict any Person who has seen such Crimes committed, if he will deny the same; *Be it further Enacted, by the Authority aforesaid*, That it shall be sufficient Evidence to convict any Person who has seen any of the aforesaid Crimes committed, if it be proved that he has told any other Person that he did see the said Crimes, or any of them, committed.

Persons killing Cattle or Hogs in the Woods, to shew Ears and Hide, in 2 Days, to a Magistrate, or 2 Freeholders, on Penalty of 5l.

V. AND whereas, by common Custom in this Province of killing of Cattle and Hogs in the Woods, great Opportunities are given to steal the Cattle and Hogs of other People; *Be it therefore Enacted, by the Authority aforesaid*, That if any Person hereafter shall kill any one or more Neat Cattle or Hogs in the Woods, he shall, within Two Days, shew the Head and Ears of such Hog or Hogs, and the Hide, with the Ears on, of such Neat Beast or Cattle, to the next Magistrate, or to Two substantial Freeholders, under Penalty of Five Pounds, Proclamation Money; to be recovered, by any Person who will sue for the same, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Province; wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed.

Persons having Cattle, &c. to have a Mark and Brand, recorded.

Cattle, Horses, and Hogs, when to be marked & branded.

VI. *AND be it further Enacted, by the Authority aforesaid*, That every Person in this Province, who hath any Horses, Cattle, or Hogs, shall have an Ear Mark and Brand, different from the Ear Mark and Brand of all other Persons; which Ear Mark and Brand he shall record, with the Clerk of the County where his Horses, Cattle, or Hogs are, if not already recorded; and that he shall brand all Horses with the said Brand, from Eighteen Months old, and upwards, and Ear-mark all his Hogs, from Six Months old, and upwards, with the said Ear Mark; and Ear-mark or brand all his Cattle, from Twelve Months old, and upwards, with the said Ear Mark or Brand: And if any Dispute shall arise about any Ear Mark or Brand, the same shall be decided by the Book of the Clerk of the County Court where such Cattle, Horses, or Hogs are.

Persons getting Cattle by Will, &c. to brand the same with his own Mark.

VII. *AND be it further Enacted, by the Authority aforesaid*, That when any Person shall buy any Neat Cattle from another, or come to the same by Gift, Will, or any other lawful Means, that then, and in such Case, the Person who has gained the same by any of the Ways aforesaid, shall, within Eight Months, brand the aforesaid Neat Cattle with his own proper Brand, in the Presence of Two creditable Witnesses, a Certificate of which shall be signed by the said Witnesses.

This Act to be read in Court, twice a Year.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall be publickly read, by the Clerk of every County Court in this Province, at least, Twice every Year, viz. at the First Court after *Easter*, and the First Court after *August*, in the Morning, on the Second Day of the Court, in open Court, under Penalty of Twenty Shillings Proclamation Money; to be recovered, by any Person,

son, by a Warrant, under the Hands and Seals of any Two Justices of the Peace of the County, to the Use of the Informer. A. D. 1741.

IX. *AND be it further Enacted, by the Authority aforesaid,* That if any strange Cattle shall go into the Cowpen of any Person in this Province, the Owner of that Cowpen, if he resides there, or the Overseer or Manager, where the Owner does not reside, shall be obliged to give Public Notice thereof, by affixing a Note of the Flesh-marks, and Ear-mark, and Brand of all such strange Cattle as shall be at his Pen, at the Church Doors of the Parish where the said Cowpen is, or where there is no Church, at the Court-house Door, in One Month after such Cattle shall come to his Pen, under the Penalty of Twelve Shillings, Proclamation Money, for every Beast that he shall neglect to give such Notice of; to be recovered in the same Manner, and to the same Use, as the Fine last mentioned.

Strange Cattle going to any Cowpen, Owner to give Notice thereof, on Pen. of 20 s.

X. *AND be it further Enacted, by the Authority aforesaid,* That if any Negroe, Indian, or Mulatto Slave, shall kill any Horse, Cattle, or Hog, belonging to any Person whatsoever, without the Consent of the Owner or Owners thereof, or shall steal, misbrand, or mismark any Horse, Cattle, or Hog, such Slave or Slaves shall, for the First Offence, suffer both his Ears to be cut off, and be publicly whipt, at the Discretion of the Justices and Freeholders before whom he or she shall be tried; and for the Second Offence, shall suffer Death: And the Tryal and Conviction of the said Slave or Slaves, shall be in such Manner as is prescribed by an Act of Assembly, intituled, *An Act, concerning Servants and Slaves.*

Slaves stealing or mismarking any Cattle, &c. what Penalties liable to.

XI. *AND be it further Enacted, by the Authority aforesaid,* That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, so far as relates to the preventing the stealing of Horses, Cattle, and Hogs, and altering and defacing the Marks and Brands, and mismarking and misbranding the same, or to any other Matter or Thing whatsoever, within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

Repealing Clause.

C H A P. IX.

An Act, for ascertaining the Boundary Line between Tyrell and Beaufort Counties, and between Edgcomb County, and Tyrell and Beaufort Counties.

I. **W** H E R E A S Disputes daily arise, between the Inhabitants of Tyrell, Beaufort, and Edgcomb Counties, by Reason the Boundary Line between Tyrell and Beaufort Counties, and between Tyrell and Edgcomb Counties, are not sufficiently ascertained and known; by Means of which Uncertainty, the Inhabitants within the disputed Bounds refuse to pay their Public and Parish Levies to any of the Collectors of the said Levies of either of the said Counties: For Remedy whereof, Preamble.

II. *WE pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That each of the County Courts of Tyrell, Edgcomb, and Beaufort, shall appoint one Person, who shall settle and run the Boundary Line between Tyrell and Edgcomb Counties, and between Part of Edgcomb and Beaufort Counties, in Manner following; that is to say, The said Commissioners shall

Boundaries between Edgcomb, Tyrell, and Beaufort.

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shall begin at the upper Corner Tree of *Jenkin Henry's* Line, on the *South* Side of *Roanoak* River, and from thence, run a direct Line to the Mouth of *Cheek's* Mill Creek, on *Tar* River; and the said Commissioners, as soon as the said Line is finished, shall, under their Hands, return the Courses thereof into each of the Courts of the aforesaid Counties, which shall be recorded by the Clerks of the said several Courts: And the said Line so run, shall, for ever after, be deemed the Boundary Line between *Tyrell* and *Edgcomb* Counties, and between *Edgcomb* and *Beaufort* Counties, from *Tyrell* County as far as *Tar* River.

Between *Tyrell*
and *Beaufort*.

III. *AND* be it further Enacted, by the Authority aforesaid, That the Flat Swamp which, heretofore, was the Boundary of *Albemarle* and *Bath* Counties, shall, to the Head of the said Swamp, and from the Head thereof, by a direct Line to the aforesaid Line between *Tyrell* and *Edgcomb* Counties, for ever, be the Boundary Line between *Tyrell* and *Beaufort* Counties.

County Courts to
lay a Tax, to de-
fray the Charge
of running the
Boundaries.

IV. *AND* for defraying the Charge of running the said Line, *Be it further Enacted, by the Authority aforesaid*, That each of the County Courts of *Beaufort*, *Tyrell*, and *Edgcomb*, be, and are hereby impowered, to lay a Poll-Tax, not exceeding the Sum of Four Pence, Proclamation Money, *per* Tithable, upon the Inhabitants of their respective Counties, and shall cause the same to be levied in the same Manner the Public Taxes are levied; and shall, out of the Money arising by the said Tax, pay and satisfy their respective Commissioners, for their Trouble and Charges expended, in running the aforesaid Boundary Lines: And after paying and satisfying the Commissioners for their Trouble and Charges, each County Court shall apply the Money remaining, if any be, to the Use of the County where such Tax is collected.

CHAP. X.

An Act, to enlarge the Time for enrolling of Lands in the Auditor's Office, and proving the quiet Possession of Lands for Twenty Years past, and upwards. O B S.

CHAP. XI.

An Act, for restraining the taking of excessive Usury.

Preamble.

I. **F**ORASMUCH as the settling of Interest at a reasonable Rate, will greatly tend to the Advancement of Trade, and Improvement of Lands, by good Husbandry, with many other considerable Advantages to this Province: And whereas divers Persons of late, have taken great and excessive Sums for the Loan of Money, Goods, and Merchandizes, to the great Discouragement of Industry, in the Husbandry, Trade, and Commerce of this Province:

No Person to
take more than
6 per Cent. for
Interest.

II. *WE* pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same*, That no Person or Persons whatsoever, from and after the First Day of *May*, which shall be in the Year of our Lord One Thousand Seven Hundred and Forty One, upon any Contract, to be made after the said First Day of *May*, shall, directly or indirectly, take, for Loan of any Monies, Wares,

Wares, Merchandizes, or Commodities whatsoever, above the Value of Six Pounds, by Way of Discount or Interest, for the Forbearance of One Hundred Pounds, for One Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time; and that all Bonds, Contracts, and Assurances whatsoever, made after the Time aforesaid, for the Payment of any Principal or Money to be lent, or covenanted to be performed, upon or for any Usury, whereupon or whereby there shall be reserved or taken above the Rate of Six Pounds in the Hundred, as aforesaid, shall be utterly void: And that all and every Person or Persons whatsoever, which, after the Time aforesaid, upon any Contract to be made, after the said First Day of May, shall take, accept, and receive, by Way or Means of any corrupt Bargain, Loan, Exchange, Shift, or Interest, of any Monies, Wares, Merchandizes, or other Thing or Things whatsoever, or by any deceitful Ways or Means, or by any Discount, Covin, Device, or deceitful Conveyance, for the forbearing or giving Day of Payment, for One whole Year, of or for their Money or other Thing, above the Sum of Six Pounds for the forbearing of One Hundred Pounds for a Year, and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time, shall forfeit and loose, for every such Offence, the double Value of the Monies, Wares, Merchandizes, and other Things so lent, bargained, exchanged, or shifted; the One Moiety of all which Forfeitures to be to our Sovereign Lord the King, his Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof, and the other Moiety to him or them that will sue for the same, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Province; wherein no Effoign, Protection, or Wager of Law, shall be allowed or admitted of.

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Persons taking more, to forfeit double the Value.

C H A P. XII.

An Act, for appointing and laying out a Town on or near Mittam's Point, on the South Side of New River, in Onslow County, by the Name of Johnston.

I. **W** H E R E A S the Inhabitants of Onslow County, have petitioned for an Act, for appointing a Town on Mittam's Point, on the South Side of New River, and that Commissioners may be appointed, to lay out the Lots in the said Town, and to dispose of them, in Manner in the said Petition mentioned; and for laying a Levy, for building a Court-house and Goal, for the said County: Preamble.

II. W E pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That as soon as the Proprietor of the Land on the said Point shall acknowledge his or her Consent and Concurrence, in open Court of the said County, to have such Part of the said Land laid out for a Town as herein after is directed, it shall and may be lawful for Samuel Johnston, John Starkey, Jonathan Freeman, Samuel James, and James Foil, Esqrs. who are hereby nominated and appointed Commissioners, with full Power and Authority, to lay out One Hundred Acres of Land, at the said Mittam's Point, for a Town, by the Name of Johnston; and they, or the major Part of them, are hereby directed and empowered, to lay out One Hundred Acres, at and adjoining the said Point, into Lots, of Half an Acre each, with convenient Streets, and a Square for Public Buildings. Commissioners appointed, to lay out the Town.

III. A N D

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Commissioners to
convey Lots, for
10 s.

III. *AND be it further Enacted, by the Authority aforesaid,* That when the Commissioners, or the major Part of them, have laid out the said Town into Lots and Streets as aforesaid, every Person whatsoever, who is willing to be an Inhabitant of the said Town, shall have Liberty to take up any Lot or Lots so laid out, as aforesaid, and not before taken up; which Lot or Lots the Commissioners before appointed, or the Majority of them, are hereby impowered to grant, convey, and acknowledge, to the Person or Persons so taking up the same, and his Heirs and Assigns, for ever, in Fee-Simple, upon the Payment of Ten Shillings, Proclamation Money, or the Value thereof in Currency, to the Treasurer herein after named.

Treasurer ap-
pointed.

IV. *AND be it further Enacted, by the Authority aforesaid,* That James Foil, Esq; be, and is hereby appointed Treasurer and Receiver of all such Sum and Sums of Money, which shall arise by the Sale of the said Lots, for the Uses hereafter mentioned; and on the Death or Departure out of the Government of the said Treasurer, the said Commissioners, or the major Part of them, shall appoint some other Person Treasurer, in the Place of the said Treasurer.

Treasurer to give
Security.

V. *AND be it further Enacted, by the Authority aforesaid,* That the Treasurer herein appointed, and every Treasurer that shall or may be hereafter appointed by the Commissioners, as aforesaid, shall give Security to the County Court, that he shall and will account with, and pay in all the Monies he shall receive by the Sale of all and every the Lot and Lots that shall be sold, Yearly, on the Twenty Fifth Day of March, to Mr. Hope Dexter, or the Proprietor of the said Land.

Lots to be saved
in two Years.

VI. *PROVIDED always,* That if any Lot or Lots shall be granted and conveyed, by the said Commissioners, to any Person or Persons whatsoever, who shall not, within Two Years, build a good substantial habitable framed House, not of less Dimensions than Twenty Four Feet in Length, and Sixteen Feet wide, besides Sheds or Leantos, or make such Preparation for so doing, as the Commissioners, or the major Part of them, shall, on View, think reasonable, such Grant or Conveyance shall be void, and it is hereby declared void and of none Effect, as if the same had never been made; and the Commissioners may grant and convey such Lot or Lots which shall not be built on within the Time, and in the Manner as is herein before directed, to any other Person or Persons applying for the same, and paying the Money for the said Lot, as in this Act is before directed, for the Use of the said Hope Dexter, or other Proprietors, as aforesaid.

Commissioners to
remove Nuisances.

VII. *AND be it further Enacted, by the Authority aforesaid,* That the Commissioners, or the major Part of them, shall be, and they are hereby impowered and authorized, to remove all Nuisances within the Limits of the said Town.

Lots to be paled,
or done with
Posts and Rails.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That no Person, Inhabitant of the said Town, or holding a Lot or Lots therein, shall inclose the same, or keep the same inclosed, under a common Stake Fence; but every Lot therein shall be paled in, or inclosed with Posts and Rails set up.

Owners of Lots
to keep the same
clear, on Penalty
of 1 s. per Month.

IX. *AND be it further Enacted, by the Authority aforesaid,* That all Persons, Possessors or Owners of Lots in the said Town, shall, within Two Years from the Date of their Grant or Conveyance, clear, and keep constantly clear, their Lot or Lots, from all Manner of Wood, Under-wood, Brush, and Grubs, under the Penalty of One Shilling, Proclamation Money, for every Month such Owner or Owners of any Lot or Lots shall neglect to clear, or keep the same clear; to be recovered by a Warrant from any Justice of the Peace, and applied, by the said Commissioners, for and towards clearing the Streets in the said Town.

X. *AND*

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X. *AND be it further Enacted, by the Authority aforesaid, That for the Encouragement of the said Town, after there shall be Two good Public Houses, fit for the accommodating of Travellers, and good Boats provided, viz. one on each Side of the said River, for transporting of Travellers, and their Horses, the said Houses and Boats to be approved of by the Justices of the Court of the said County, when the greater Number of the Justices are in Court, that then the Court of the said County, and all General Musters, shall be held in the said Town, and all other the Public Business of the said County shall be transacted in the said Town, and in no other Place or Places whatsoever.*

After two Public Houses are built, and Ferry Boats provided, all Public Business to be transacted in the Town.

XI. *AND be it further Enacted, by the Authority aforesaid, That the Justices of the said County are hereby impowered and authorized, to lay a Levy, not exceeding Eight Pence, Proclamation Money, Yearly, to be paid and collected as other Public Taxes are, and applied towards building a Court-house and Goal, and providing a Ferry, at the Charge of the County, for the Convenience of the Inhabitants of the said County's passing to and from the said Town, to attend the Court, and transact their Public Business.*

Justices to lay a Tax, for building Court-house, &c.

XII. *AND be it further Enacted, by the Authority aforesaid, That the said Justices may, and they are hereby impowered and authorized, to make Use of the old Court-house and Prison, for the Use of the said Court-house and Goal, to be built as aforesaid in the said Town, either by pulling the same down, and moving such Part thereof as may be useful in building the said Court-house to be built in the said Town, as aforesaid, or by selling the same, and applying the Money arising by such Sale, towards erecting the said Buildings in the said Town.*

Justices may use the Materials of the old Court-house, & Prison.

C H A P. XIII.

An Act, to prevent the taking away Boats, Canoes, or Pettiaguas, from Landings, or elsewhere, without Leave.

I. **T**O prevent taking Boats, Canoes, and Pettiaguas, from Landings, or elsewhere, without Leave;

II. *WE pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That any Person or Persons who, after the Ratification of this Act, shall take away from any Landing or other Place where the same shall be, any Boat, Canoe, or Pettiagua, belonging to, or in the Custody of any Person whatsoever, without the Consent and Leave of the Owner or Possessor of such Boat, Canoe, or Pettiagua, or shall loose, unmoor, or turn such Boat, Canoe, or Pettiagua adrift, such Offender or Offenders shall severally forfeit and pay, to the Party who shall own, or in whose Custody and Possession such Boat, Canoe, or Pettiagua was, the Sum of Twenty Shillings, Proclamation Money; to be recovered by a Warrant from any Justice of the Peace within the County where the Offence shall be committed, who is hereby impowered and required to hear and determine all such Offences: And if any Offender or Offenders shall, after Conviction, neglect or refuse to pay the said Sum of Twenty Shillings, Proclamation Money, in such Case, it shall and may be lawful for the said Justice, by his Warrant, to commit such Person to the Goal of the County, where he shall remain until he shall have paid the same, and the accruing Costs.*

Persons taking Boats, &c. without Leave, to forfeit 20s. to the Owner.

Offenders refusing to pay, Justice may commit them to Prison.

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Not to debar any Person from his Action at Common Law, for Damage sustained.

III. *PROVIDED* always, That nothing in this Act shall be understood or construed to debar any Person from his or her Action at Common Law, for any Damage sustained, by Reason of any Boat, Canoe, or Pettiagua, to them belonging, so taken or unloosed, unmoored or turned adrift, from any Landing or other Place where the same was left, against any Person whatsoever, notwithstanding such Person shall have paid the Penalty by this Act inflicted; any Thing herein contained, or any Law, Usage, or Custom, to the contrary, notwithstanding.

Servant or Slave offending, and the Master refusing to pay the Fine, such Servant or Slave to be whipt.

IV. *AND* be it further Enacted, by the Authority aforesaid, That if any White Servant, Negroe, or Slave, shall offend against this Act, and be thereof convicted, and the Master, Mistress, or Owner of such White Servant, Negroe, or Slave, shall refuse to pay the said Sum of Twenty Shillings, Proclamation Money, such Servant or Slave shall suffer Correction, by whipping, at the Discretion of the Magistrate, not exceeding Thirty Nine Lashes.

Not to extend to Persons who shall press Vessels by Authority, or proper Owners.

V. *PROVIDED* always, and be it Enacted, That neither this Act, nor the Penalties thereof, shall be construed to extend to any Person who shall press any Boat, Canoe, or Pettiagua, by Public Authority, or to any Person who shall seize his own proper Boat, Canoe, or Pettiagua, or to any other Person or Persons, being lawfully impowered so to do by the Owner, from any Place or Landing, or from any Person in whose Custody he shall find the same, or to any Servant or Slave taking any Boat, Canoe, or Pettiagua, from any Landing or other Place, by Order of his or her Master, Mistress, or Overseer.

Master ordering Servant or Slave to take any Vessel, liable to the Penalty.

VI. *AND* be it further Enacted, That if any Master, Mistress, or Overseer, shall order any Servant or Slave, belonging to them, or under the Care of any of them, to take from any Landing, or other Place, any Boat, Canoe, or Pettiagua, contrary to the Intent and Meaning of this Act, such Master, Mistress, or Overseer of such Servant or Slave so offending, shall be liable to the Forfeitures and Penalties of this Act, as if they, in their proper Person, had done the same; any Thing herein before contained, to the contrary, notwithstanding.

Repealing Clause.

VII. *AND* be it further Enacted, by the Authority, aforesaid, That all and every other Act and Acts, and every Clause and Article thereof, so far as relates to prevent the taking Boats, Canoes, or Pettiaguas, from Landings, or elsewhere, without Leave, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. XIV.

An Act, for the better Observation and keeping of the Lord's Day, commonly called Sunday; and for the more effectual Suppression of Vice and Immorality.

Preamble.

I. **W** H E R E A S in well regulated Governments, effectual Care is always taken, that the Day set apart for Publick Worship, be observed and kept holy, and to suppress Vice and Immorality: Wherefore,

No Person to do any Work on

II. **W** E pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That all and every Person and Persons whatsoever shall,*
on

on the Lord's Day, commonly called *Sunday*, carefully apply themselves to the Duties of Religion and Piety; and that no Tradesman, Artificer, Planter, Labourer, or other Person whatsoever, shall, upon the Land or Water, do or exercise any Labour, Business, or Work, of their ordinary Callings, (Works of Necessity and Charity only excepted,) nor employ themselves either in hunting, fishing, or fowling, nor use any Game, Sport, or Play, on the Lord's Day aforesaid, or any Part thereof, upon Pain that every Person so offending, being of the Age of Fourteen Years, and upwards, shall forfeit and pay the Sum of Ten Shillings, Proclamation Money.

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the Lord's Day,
on Penalty of 10s.

III. *AND be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall prophanely swear or curse, in the Hearing of any Justice of the Peace, or shall be convicted of prophanely swearing and cursing, by the Oath of one or more Witness or Witnesses, or Confession of the Party before any Justice or Justices of the Peace, every such Offender shall forfeit and pay the Sum of Two Shillings and Six Pence, of the like Money, for every Oath or Curse: And if any Person, executing any Public Office, shall prophanely swear or curse, being first convicted, as aforesaid, such Person shall forfeit and pay the Sum of Five Shillings, of the like Money, for each and every Oath or Curse.*

Persons swearing
in the Hearing of
a Justice, to pay
2 s. 6 d.

Public Officer
convicted of the
same, to pay 5 s.

IV. *AND be it further Enacted, That if any Person or Persons shall prophanely swear and curse, in the Presence of any Court of Record in this Government, such Offender or Offenders shall immediately pay the Sum of Ten Shillings, of the like Money, for each and every Oath or Curse; to be deposited in the Hands of the Chairman of the said Court, and by him accounted for and paid, as herein after is directed; or to sit in the Stocks, not exceeding Three Hours, by Order of such Court.*

Persons swearing
in the Presence of
a Court, to pay
10 s. or be put in
the Stocks.

V. *AND be it further Enacted, by the Authority aforesaid, That every Person convicted of Drunkenness, by View of any Justice of the Peace, Confession of the Party, or Oath of one or more Witness or Witnesses, such Person so convicted, shall, if such Offence was committed on the Lords Day, forfeit and pay the Sum of Five Shillings, of the like Money; but if on any other Day, the Sum of Two Shillings and Six Pence, for each and every such Offence.*

Persons getting
drunk on Sunday,
to pay 5 s. on a-
ny other Day,
2 s. 6 d.

VI. *AND for the better Execution of all and every of the foregoing Orders, Be it further Enacted, That all and every Justice and Justices of the Peace, within his or their respective County, shall have full Power and Authority to convene before him or them, any Person or Persons who shall offend in any of the Particulars before mentioned, in his or their Hearing, or on other legal Conviction of any such Offence, and to impose the said Fine or Penalty for the same, and to restrain or commit the Offender until it be satisfied, or to cause the same to be levied by Distress and Sale of the Offenders Goods, returning the Overplus, if any, to the Owner: And in Case any such Offender be unable to satisfy such Fine, to cause him to be put in the Stocks, not exceeding Three Hours.*

Justices Power to
hear and deter-
mine Offences a-
gainst this Act.

VII. *PROVIDED always, That all Informations against the aforesaid Offences, shall be made within Ten Days after such Offence or Offences committed, and not after.*

Information to be
made in 10 Days.

VIII. *AND be it further Enacted, by the Authority aforesaid, That all Fines accruing and becoming due by Virtue of this Act, shall be levied as soon as may be after Conviction, One Half to the Informer, the other Half to the Use of the Parish where such Offence shall be committed; and the Chairman and Justices of the several Courts of the several Counties of this Province, are hereby directed to account for, upon Oath, and pay such Fine or Fines as shall or may by them,*

Fines appropri-
ated, and how to
be paid.

or

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or any of them, be received, by Virtue of this Act, to the Churchwardens of the respective Parishes of this Government, at least once a Year, when the same shall be demanded by the Churchwardens; under the Penalty of paying the Sum of Twenty Pounds, Proclamation Money, for every Refusal, to be levied and applied as aforesaid.

Persons committing Fornication, to forfeit 25 s.

IX. *AND be it further Enacted, by the Authority aforesaid,* That if any Persons commit Fornication, upon due Conviction, each of them shall forfeit and pay Twenty Five Shillings, Proclamation Money, for each and every such Offence; to be recovered, and applied to the same Use, as the other Fines in this Act.

Single Woman being with Child, and refusing to tell the Father, to pay the Fine, and to give Security to keep the Child.

X. *AND be it further Enacted,* That any Two Justices of the Peace, upon their own Knowledge, or Information made to them, that any single Woman within their County is big with Child, or delivered of a Child or Children, may cause such Woman to be brought before them, and examine her, upon Oath, concerning the Father; and if she shall refuse to declare the Father, she shall pay the Fines in this Act before mentioned, and give sufficient Security, to keep such Child or Children from being chargeable to the Parish, or shall be committed to Prison, until she shall declare the same, or pay the Fine aforesaid, and give Security as aforesaid: But in Case such Woman shall, upon Oath, before the said Justices, accuse any Man of being the Father of a Bastard Child or Children, begotten of her Body, such Person so accused shall be adjudged the reputed Father of such Child or Children, and stand charged with the Maintenance of the same, as the County Court shall order, and give Security, to the Justices of the said Court, to perform the said Order, and to indemnify the Parish where such Child or Children shall be born, free from Charges for his, her, or their Maintenance, and may be committed to Prison until he find Securities for the same, if such Security is not by the Woman before given.

If she declares the Father, he shall give Security to perform the Order of Court thereon.

Justices to bind to the next Court Persons charged with being the Father of a Child unborn.

XI. *AND be it further Enacted,* That the said Two Justices of the Peace, at their Discretion, may bind, to the next County Court, him that is charged, on Oath, as aforesaid, to have begotten a Bastard Child, which shall not be then born; and the County Court may continue such Person upon Security until the Woman shall be delivered, that he may be forth coming when the Child is born.

This Act to be read twice a Year in Churches, by the Minister, &c. on Penalty of 20 s.

XII. *AND be it further Enacted, by the Authority aforesaid,* That this Act shall be Publicly read, Two several Times in the Year, in all Parish Churches and Chappels, or for want of such, in the Place where Divine Service is performed in every Parish within this Government, by the Minister, Clerk, or Reader of each Parish, immediately after Divine Service, that is to say, on the First or Second Sunday in April, and on the First or Second Sunday in September, under the Penalty of Twenty Shillings, Proclamation Money, for every such Omission or Neglect; to be levied by a Warrant from a Justice, and applied to the Use of the Parish where the Offence shall be committed; and the Churchwardens of every Parish are hereby required to provide a Copy of this Act, at the Charge of the Parish.

Clergymen liable to further Punishment.

XIII. *PROVIDED always,* That nothing herein contained shall be construed to exempt any Clergyman within this Government, who shall be guilty of any of the Crimes herein before mentioned, from such further Punishment as might have been inflicted on him for the same, before the making of this Act; any Thing herein contained to the contrary, notwithstanding.

Repealing Clause.

XIV. *AND be it further Enacted, by the Authority aforesaid,* That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, so far as relates to the Suppression of Vice, or Restrain and Punishment of wicked and

and desolate Persons, or any Matter or Thing, within the Purview of this Act, A D. 1741.
is and are hereby repealed and made void, to all Intents and Purposes, as if the
same had never been made.

C H A P. XV.

An Act, for the Tryal of small and mean Causes.

I. **W** H E R E A S the Charges, in the General and County Courts of this Preamble.
Province, in many Actions of small Value, do very often surmount
the Demand of the Plaintiff; to the very great Damage of the Parties:

II. W E pray that it may be Enacted, *And be it Enacted, by his Excellency*
Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Ma-
jesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the
Authority of the same, That any Two Justices of the Peace are hereby impowered, Two Justices to
try any Cause to
the Value of 40s.
by their Warrant, under their Hands and Seals, directed to the Sheriff, Under-
Sheriff, or Constable, in all Actions of Debt, or other Demand whatsoever, for
any Sum or Matter to the Value of Forty Shillings, Proclamation Money, or
under, to cause to be apprehended and brought before them, any Person or Per-
sons which have and do refuse or neglect to pay any Creditor complaining of his
or their Debt or Debts, or Demands, amounting to the Sum aforesaid, and also,
to issue their Summons or Summonses for such Witness or Witnesses, who shall
or may be required, either by Plaintiff, or Defendant, for the better Proof, clear-
ing, and opening of the Matter contested between such Parties; and after having
heard the Parties, and such Evidence as shall be required or produced by them,
and each of them, to adjudge and finally determine all Complaints and Actions of
Debts and Demands, as aforesaid, before them brought.

III. *AND be it further Enacted*, That the Plaintiff or Plaintiffs obtaining such Plaintiff to make
Proof of his
Debt.
Warrant or Precept, shall make Proof of his Debt or Demand before such Jus-
tices, in the same Manner, and under the same Restrictions, as is provided and
prescribed by an Act, *for prescribing the Method of proving Book Debts*; otherwise
his, her, or their Complaint shall be dismissed, with Costs.

IV. *AND be it further Enacted*, That after Determination of any of the Mat- Justices to grant
Execution upon
the Goods and
Chattels, or of
the Body.
ters aforesaid by the said Justices, they are hereby impowered and required to issue
Execution, to be levied upon the Goods and Chattels of the Defendant or Defen-
dants, to the full Value of the Debt due, and the Costs and Charges hereafter in
this Act provided to be paid; and for Want of Goods and Chattels, to commit
the Body or Bodies of the Defendant or Defendants to the Common Goal, until
he or they shall pay his or their Debt or Debts aforesaid, together with the Costs;
and also, in Case the Plaintiff shall be cast, to issue Execution, to levy the Costs
for the Defendant, or commit the Plaintiff to Prison till the same is paid, in the
same Manner as the Proceedings were to be had against the Defendant, on Judg-
ment being had against him.

V. *AND be it further Enacted, by the Authority aforesaid*, That all and every Goods taken in
Execution, to be
kept 10 Days.
Sheriff or Constable, shall cause all Goods and Chattels, taken in Execution by
Virtue of this Act, to be kept in safe Custody Ten Days, and if the Owner or
Owners of such Goods shall not, within the said Ten Days, satisfy the said Debt,
and Costs, the Sheriff or Constable shall sell the same, at Public Vendue; and af-
ter satisfying the Judgment of the Justices as aforesaid, shall return the Overplus,
if any there be, to the Owner.

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Tender of Commodities to discharge any Person taken in Execution, on any Judgment.

Two Freeholders to view the Commodities, if not good, to be forfeited to the Parish; then nothing but Money to discharge the Debt.

VI. *PROVIDED* always, That the Tender of the Commodities hereafter mentioned, at the Plaintiffs Place of Residence in the County, shall discharge any Person or Persons, Body or Goods, in Execution on any Judgment, to be given as aforesaid; that is to say, Tobacco, Deer-skins, Bees-wax, Tallow, or Rice, as rated by the Act, for granting an Aid to His Majesty: And if any Dispute shall arise between the Parties, whether such Commodities so tendered be good and merchantable, in such Case the Justice or Justices before whom such Cause was determined, shall appoint Two Freeholders, who, upon their Oaths, shall inspect the same; and if they shall deem the same not good and merchantable in its Kind, the same shall be forfeited, and sold by the Churchwardens, to the Use of the Parish where such Tender shall be made; and then nothing shall discharge such Judgment and Execution, but Money: And if the said Commodities so tendered be adjudged good and merchantable, the Plaintiff shall be obliged to accept of the same, in Discharge of such Debt, and Costs.

Warrants to have the Name of the Plt. and Value of the Debt, inserted.

VII. *AND* be it further Enacted, That all original Warrants, granted by Virtue of this Act, shall have inserted, and plainly signified, the Name or Names of the Plaintiff or Plaintiffs, the Debt demanded, and whether by Bill, Account, Assumpsit, or otherwise, due.

Justices and Constables Fees.

VIII. *AND* be it further Enacted, by the Authority aforesaid, That the said Justices, or their Clerk, shall, for each Warrant, receive One Shilling and Three Pence, Proclamation Money, and for every Execution, One Shilling and Three Pence; and every Sheriff or Constable, for every original Warrant executed, shall be allowed One Shilling and Three Pence, Proclamation Money, and for every Subpoena, One Shilling, and for every Execution, One Shilling and Three Pence.

Defendant insolvent, may, with his Consent, be hired to Labour, to pay the Debt.

IX. *AND* that all possible Means may be used, for the Payment of the Plaintiff or Plaintiffs Debt, after Execution obtained against the Body of the Defendant or Defendants, *It is also Enacted*, That the Justices have Power, and they are hereby impowered, in such Cases where they shall judge the Defendant not worth the Debt recovered as aforesaid, then, and not otherwise, by and with the Consent of the Defendant or Defendants, him or them to hire to Labour, at so much *per Diem*, as either the Plaintiff, or any indifferent Person, will allow, until the whole Debt, by the Produce thereof, be paid; which Produce the Justices are hereby required to cause to be employed to no other Use but paying of the Debt or Debts as aforesaid.

All Debts, to the Value of 40s. to be tried before two Justices.

X. *AND* be it further Enacted, by the Authority aforesaid, and it is the true Intent and Meaning of this Act, That any Person who remains indebted, by any Bond, Bill, Specialty, Account, Contract, Agreement, Assumpsit, or otherwise howsoever, to the Sum of Forty Shillings, Proclamation Money, or under, shall only be sued and tried before Justices of the Peace, in Manner and Form aforesaid, and no otherwise.

Suit brought for above 40s. and Verdict before less, Plt. to pay Costs, except in Actions of Trespas, &c.

XI. *AND* be it further Enacted, That every Person that shall bring any Action or Suit, in any Court within this Province, for more than Forty Shillings, Proclamation Money, and thereupon shall have a Verdict for less than Forty Shillings, like Money, shall lose his Cost of Suit; except in Actions of Trespas, and Actions of Defamation, and where an Account is unsettled, and the Defendant shall refuse or neglect, upon Notice given by the Plaintiff, to meet and settle the same.

Debt under 20s. to be tried by

XII. *AND* be it further Enacted, by the Authority aforesaid, That for the more speedy doing of Justice, where the Debt or Demand shall not exceed Twenty Shillings,

Shillings, Proclamation Money, any one Justice of the Peace shall have full Power and Authority, to hear, try, and determine all such Causes, in such Manner and Form as is before in this Act provided for Two Justices, where the Debt or Demand shall amount to the Sum of Forty Shillings: And all Sheriffs or Constables, to whom either original Warrants, Subpœna for Witnesses, or Execution or Executions upon Goods and Chattles, or the Body of the Defendant or Defendants as aforesaid, are directed by any one or more Justice or Justices of the Peace, are hereby impowered and commanded to give due Obedience in the Execution thereof, according to the true Intent and Meaning of this Act.

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one Justice.

Sherifs and Constables to pay Obedience to all Warrants, &c.

XIII. *AND be it further Enacted, by the Authority aforesaid,* That if either of the Parties shall be dissatisfied with the Judgment given by the Justice or Justices, he may appeal to the next County Court, first giving Security for prosecuting such Appeal with Effect; which Cause shall be tried and finally determined the same Court, by a Jury, without any further Process, in the same Manner as Causes are there tried brought by original Writ; and Judgment shall thereupon be given, and the Party cast shall pay the Cost of all Proceedings had thereon, to be taxed by the Court.

Right of Appeal.

XIV. *AND be it further Enacted, by the Authority aforesaid,* That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, so far as relate to the Tryal of small and mean Causes, or any other Matter or Thing whatsoever, within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

Repealing Clause.

CHAP. XVI.

An Act, for ascertaining the Damage upon protested Bills of Exchange.

I. **F**OR ascertaining the Damage upon protested Bills of Exchange, We pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same,* That where any Bill of Exchange is, or shall hereafter be drawn, for the Payment of any Sum of Money, in which the Value is or shall be expressed to be received, and such Bill is or shall be protested, for Non-acceptance or Non-payment, the same shall carry Interest from the Date thereof, after the Rate of Ten per Cent. per Annum, until the Money therein drawn for, shall be fully satisfied and paid.

Protested Bills of Exchange to carry Interest from the Date til paid, at 10 per Cent.

II. **B**UT least any Person having any such Bill, should, for the Sake of the Interest, delay negotiating the same, or if, after it shall be protested, shall not demand Payment thereof of the Drawer or Indorser, *It is further Enacted and Declared,* That no Person whatsoever shall pay more than Eighteen Months Interest, from the Date of any such Bill, till it shall be presented protested to the Drawer or Indorser thereof.

Interest allowed but 18 Months, til Payment demanded.

III. *AND be it further Enacted, by the Authority aforesaid,* That where any Bill, drawn before the making of this Act, or which shall hereafter be drawn, is or shall be protested as aforesaid, there shall be paid unto such Person or Persons as shall have Right to demand the same, for his, her, or their Damage in that Behalf sustained, after the Rate of Fifteen per Cent. for the Sum expressed in the said Bill, together with the Costs and Charges of the Protest, and no more.

15 per Cent. allowed for Damage, with Costs of Protest.

IV. *AND*

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ACTIONS may be brought against Drawer and Indorser jointly, or separately.

IV. *AND be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for any Person or Persons, having a Right to demand any Sum of Money due upon a protested Bill of Exchange, to commence and prosecute an Action for Principal, Interest, and Charges of Protest, against the Drawer and Indorsers jointly, or against either of them separately, and Judgment shall and may be given for such Principal Draught and Charges, and Interest, after the Rate of Ten per Cent. per Annum, as aforesaid, to the Time of such Judgment.*

Repealing Clause.

V. *AND be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article thereof heretofore made, so far as relate to any Matter or Thing whatsoever within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.*

CH A P. XVII.

An Act, for regulating Weights and Measures.

Preamble.

I. **W**HEREAS many notorious Frauds and Deceits are daily committed, by false Weights and Measures: For Prevention whereof,

Weights and Measures to be according to the Standard in the Exchequer.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That no Inhabitant or Trader shall buy or sell, or otherwise make Use of in trading, any other Weights or Measures than are made and used according to the Standard in his Majesty's Exchequer, and the Statutes of England in that Case provided.*

Justices to provide Standard Weights and Measures, and a Keeper thereof.

To be provided with a Stamp and Brand.

III. *AND for the Discovery of Abuses, Be it further Enacted, by the Authority aforesaid, That the Justices of each and every County within this Government, shall, within Two Years next after the Ratification of this Act, at the Charge of each County respectively, provide sealed Weights, of Half Hundred, Quarters of Hundreds, Half Quarters of Hundreds, Seven Pounds, Four Pounds, Two Pounds, One Pound, and Half Pound; and Measures, of Ell, and Yard, of Brass or Copper, and Measures, of Half Bushel, Peck, and Gallon, of dry Measure; and a Gallon, Pottle, Quart, and Pint, of Wine Measure; (for the Payment of which Charge, the said Justices are hereby impowered to levy a Tax on their respective Counties,) to be kept by such Person, and in such Place, as the Justices of each respective County shall appoint, such Person first giving sufficient Security to the said Justices, in the Sum of Fifty Pounds, Proclamation Money: And the said Justices shall also find and provide for the said Person, a Stamp for Brass, Tinn, Iron, Lead, or Pewter Weights, or Measures, and also a Brand for Wooden Measures, of the Letters N. C. upon Pain of forfeiting and paying the Sum of Ten Pounds, Proclamation Money; to be recovered from the said Justices, by Action of Debt, Bill, Complaint, or Information, in the General Court of this Province, and applied to the Use of our Sovereign Lord the King, for and towards the Support of this Government, and the contingent Charges thereof.*

Who shall try and stamp all Weights and Measures.

IV. *AND be it further Enacted, by the Authority aforesaid, That any Person whatsoever using Weights or Measures, shall bring all their Measures and Weights to the Keeper of the Standard of the County where such Person shall reside or trade,*

trade, to be there tried by the Standard, and sealed or stamped: And if any Person or Persons shall buy, sell, or barter, by any Weight or Measure which shall not be tried by the Standard, and sealed or stamped as aforesaid, he, she, or they so offending, shall, for every such Offence, forfeit and pay the Sum of Ten Pounds, Proclamation Money, one Half to the Use of the County where such Offence shall be committed, and the other Half to the Party who shall sue for the same; to be recovered in any Court of Record in this Government, wherein no Essoign, Protection, Priviledge, Injunction, or Wager of Law, shall be allowed.

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Persons selling by untried Weights or Measures, to forfeit 10 l.

V. AND whereas Steelyards, by Use, are subject to Alteration, *Be it further Enacted, by the Authority aforesaid,* That all and every Person who shall use, buy, or sell, by Steelyards, shall, once every Year, try the same with the Standard, and take a Certificate from the Keeper of the Standard for the County wherein such Person shall reside, upon Pain of Twenty Shillings, Proclamation Money; to be recovered and applied as aforesaid.

Steelyards to be tried once a Year, on Pen. of 20 s.

VI. AND *be it further Enacted, by the Authority aforesaid,* That it shall and may be lawful for the Standard Keeper to demand and receive the Sum of Nine Pence, Proclamation Money, for each and every Pair of Steelyards, Weights, or Measures, by him stamped or sealed as aforesaid.

Standard-keeper's Fee.

VII. AND *be it further Enacted, by the Authority aforesaid,* That the Standard-Keeper of each and every County, shall, at the next Court to be held for the County in which he shall reside, take the following Oath, *viz.*

YOU shall swear, That you will not stamp, seal, or give any Certificate for any Steelyards, Weights, or Measures, but such as shall, as near as possible, agree with the Standard in your Keeping; and that you will, in all Respects, truly and faithfully discharge and execute the Power and Trust by this Act reposed in you, to the best of your Ability and Capacity.

His Oath.

So help you God.

VIII. AND *be it further Enacted, by the Authority aforesaid,* That the Standard-Keeper of each and every County in this Government, is hereby impowered and required, with the Assistance of a Constable, (who is hereby commanded, upon Notice, to attend him, upon Information made to him of any Person or Persons keeping, or having in his or their House or Custody, any Steelyards, Weights, or Measures, which have been altered, lessened, or shortned, since they were tried and sealed by the Standard, or shall be suspected of buying, selling, or bartering by such false Weights and Measures,) to search the Houses or other suspected Places of such Offender, for any such Weights or Measures so falsified; and if, upon Search, any such false Weights or Measures shall be found, he shall charge a Constable with the Owner of them, or the Person using them, who shall forth with convey him, her, or them, before any Justice of the Peace, who is hereby directed to bind him, her, or them, over to the next Court to be held for the County where the Offence shall be committed; and the said Offence shall be laid before the Grand Jury, by the King's Attorney-General, or his Deputy, and for Want of them, by any Person the County Court shall think fit to appoint, and shall be cognizable by the said Grand Jury, either by Indictment, or Presentment; and if, upon Tryal by a Petit Jury, such Offender or Offenders shall be found guilty, the County Court shall fine each and every Person so convicted, in any Sum not exceeding Twenty Five Pounds, Proclamation Money; One Third Part thereof to the Informer, One Third Part to the Standard-Keeper, and One Third Part thereof to be paid to the Justices of the County, to be applied to the Use of the County where the Offence shall be committed; and shall commit the Offender to Goal until the same shall be paid: And further, if it appear to the County Court, by the Verdict of the Petit Jury, that the Offender altered, lessened, or shortned

Standard-keeper, with a Constable, may search suspected Houses; and if any false Weights, &c. be found, Justice to bind the Owner of 'em over to next Court; if found guilty, the Court may fine such Owner, not exceeding 25 l.

If such Owner lessened his Weights, &c,

his

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with Intent to defraud, besides paying the Fine, to stand in the Pillory 2 Hours.

his or her Steelyards, Weights, or Measures, or caused the same to be done, or used such Steelyards, Weights, or Measures, knowingly, after they were so altered, lessened, or shortned, with an Intent to defraud any Person; in such Case the Court shall, besides, and notwithstanding the said Fine, sentence such Offender to stand publickly, during the Sitting of the Court, Two Hours in the Pillory, with his Offence written over his or her Head: Any Law, Custom, or Usage to the contrary, notwithstanding.

Naval Officer to set up in his Office an Advertisement of this Act, on Pen. of 5 s. for every 24 Hours Neglect.

IX. *AND be it further Enacted, by the Authority aforesaid,* That the Naval Officer of each and every Port within this Government, shall affix up, in a Public Part of his Office, and there constantly keep affixed, an Advertisement of this Act, that Traders coming into this Government may have Notice thereof, upon Pain of forfeiting Five Shillings, Proclamation Money, for every Twenty Four Hours the same shall be neglected; to be recovered, by a Warrant from any Justice of the Peace of the County where the Offence shall be committed, by any Person who shall sue for the same, and applied, One Half to the Informer, and the other Half to the Use of the said County.

Justices may take County Weights and Measures into their Custody, and receive all Sums raised to provide such Weights, &c.

X. *AND be it further Enacted, by the Authority aforesaid,* That the Justices of every County respectively, shall have Power to take and receive into their Custody, all such Weights and Measures as have been already provided by their respective County or Parish, and shall also demand and receive from all and every Person or Persons whatsoever, all such Sums of Money as have been already raised to purchase such Weights and Measures, and dispose of and apply the same, according to the Directions of this Act.

Repealing Clause.

XI. *AND be it further Enacted, by the Authority aforesaid,* That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, so far as relate to Weights and Measures, or any other Matter or Thing within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. XVIII.

An Act, for the building and maintaining of Court-houses, Prisons, and Stocks, in every County within this Province, and appointing Rules to each County Prison, for Debtors.

Justices to lay a Tax, for building Court-houses, Prisons, & Stocks.

I. **W**E pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That the Justices in all and every County or Counties within this Province, where there is not suitable Provision already made, shall, and are hereby impowered and required, at the next succeeding Court of their respective Counties, after the Ratification of this Act, to lay a sufficient Levy upon the Inhabitants of their said Counties, not exceeding One Shilling, Proclamation Money, *per Poll*, for Two Years, for the building a Court-house, Prison, and Stocks, or any such of them as shall be wanting; which Levy shall be paid and collected by the Sheriff of each County, in the same Manner as all other Public and Parish Taxes and Levies are paid and collected, and by him shall be accounted for to the Justices of the County Court, upon Oath; and the said Sheriff shall be allowed Three *per Cent.* for collecting the same.

II. *AND*

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II. *AND be it further Enacted, by the Authority aforesaid, That the Justices of each County shall and may, from Time to Time, and at all Times hereafter, employ Persons to keep and maintain the Court-house, Prison, and Stocks, already built, and such as are to be built, by Virtue of this or any other Act, or to rebuild such as have fallen to Decay or Ruin, and the same to keep in good Repair, by laying a Poll-Tax on the Inhabitants of their respective Counties as aforesaid.*

Justices to employ Persons to keep Court-houses, &c. in Repair.

III. *AND be it further Enacted, by the Authority aforesaid, That if any Person shall neglect or refuse to pay the aforesaid Levies, in Manner aforesaid, and shall be in Arrear after the last Day of Payment, such Person shall be liable to double Distress; to be levied on his Goods and Chattels by the Sheriff of the County where such Delinquent inhabits: And for the Preservation of the Health of such Persons as shall, at any Time hereafter, be committed to the County Prisons, the Court shall have Power to mark out such a Parcel of Land as they shall think fit, not exceeding Six Acres, adjoining to the Prison, for the Rules thereof; and every Prisoner, not committed for Treason or Felony, giving good Security to the Sheriff of the County to keep within the said Rules, shall have Liberty to walk therein out of the Prison, for the Preservation of his or their Health: And every Prisoner giving such Security as aforesaid, and keeping continually within the said Rules, shall be, and is hereby adjudged and declared to be, in Law, a true Prisoner; and that every Person therewith concerned may know the true Bounds of the said Rules, the same shall be recorded in the County Records, and the Marks thereof shall, from Time to Time, be renewed, as Occasion shall require.*

Persons neglecting to pay their Levies, liable to double Distress.

County Court to lay out Prison Bounds; and all Prisoners, not committed for Felony or Treason, to have Liberty thereof, on giving Security.

Bounds to be recorded, and renewed.

C H A P. XIX.

An Act, the better to enable the Commissioners appointed for building a Church at Newbern, to erect the same, and to empower them to demand and receive, of any Person or Persons, all Parish Levies already laid and not appropriated; and for other Purposes therein mentioned.

I. **W** H E R E A S by an Act of Assembly of this Province, passed the last Session, enabling the Commissioners therein appointed to erect and build a Church in *Newbern*, and the better to enable them to carry on and finish the same, they were empowered to levy a Tax of One Shilling and Six Pence, for the Two then ensuing Years, on each Tythable in the said Parish; and the said Tax being found insufficient to finish the said Church: And whereas there was laid, by the late Vestry, on the Inhabitants of the said Parish, a Tax of Fifteen Shillings *per Poll*, on each Tythable, for paying a Minister for the ensuing Year, and the succeeding Vestry not thinking fit to employ a Minister, the said Tax thereby remains, as yet, unappropriated to and for any Parish Use:

Private,

II. *WE therefore pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That the said Tax of Fifteen Shillings, shall be appropriated to and for the building and finishing the said Church.*

III. *AND be it further Enacted, by the Authority aforesaid, That the Churchwardens of the said Parish shall, on or before the First Day of May next, after the Ratification of this Act, account for and pay to the Commissioners appointed by the before-recited Act, all such Sum or Sums of Money as they shall have received on*

Ac-

A. D. 1741.

Account of the aforefaid Tax or Levy of Fifteen Shillings, under the Penalty of One Hundred Pounds, Proclamation Money; to be sued for and recovered, in the General Court of this Province, by Action of Debt, Bill, Complaint, or Information, (wherein no Effoign, Injunction, or Wager of Law, fhall be allowed or admitted of,) by any Perfon who will fue for the fame; to be applied to the Ufe of the faid Church: And all Perfons who have not paid the aforefaid Tax or Levy to the Churchwardens as aforefaid, fhall, on or before the laft Day of *May* next, after the Ratification of this Act, pay the fame to the faid Commissioners, or to fuch Perfon whom the Majority of them fhall appoint to receive the fame, under the Penalty of double Diffrefs; to be levied by a Warrant from One Juftice of the Peace for the faid County, and to be applied as aforefaid.

IV. AND whereas the faid Commissioners have made One Hundred Thousand Bricks, towards building the faid Church; and fome of the faid Bricks being deemed infufficient for the faid Work; *Be it therefore further Enacted, by the Authority aforefaid,* That the faid Commissioners, or the Majority of them, may fell or difpofe of any fuch Bricks as the faid Commissioners fhall judge not fitting or fufficient for the building of the faid Church, and apply the Money arifing by fuch Sale, to the Ufes aforementioned.

C H A P. XX.

An Act, for regulating Ordinaries, and for Reftraint of Tippling-houfes.

Preamble.

I. **W**HEREAS the Laws at prefent in Force in this Province, have, by Experience, been found ineffectual for the due Regulation of Ordinaries, and other Houfes of Entertainment:

Retailers of Liquors to fell by fealed Measures.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnfton, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Affembly of this Province, and it is hereby Enacted, by the Authority of the fame,* That all Perfons whatfoever, retailing Liquors after the Firft Day of *Auguft* next, fhall fell the fame by fealed Measures, according to an Act, intituled, *An Act, for regulating Weights and Measures.*

Ordinary-keepers may fell Liquors in Bottles, &c. for what they contain.

III. *PROVIDED* always, That it fhall and may be lawful for any Perfon, retailing Liquors by Licence in any Public Houfe or Houfes, to fell the fame in Bottles, Bowls, or Mugs, the faid Bottles, Bowls, and Mugs, being fold for no more than they hold or contain.

Persons retailing Liquors without Licence, to forfeit 5 l.

IV. *AND be it further Enacted, by the Authority aforefaid,* That from and after the Firft Court in each County, after the Firft Day of *May* next, whoever fhall retail Liquors in any Houfe, Booth, Arbour, Stall, or other Place, without Licence firft had and obtained, according to the Directions of this Act, fhall forfeit and pay Five Pounds, Proclamation Money; One Half to the Governor or Commander in Chief for the Time being, and the other Half to the Informer; to be recovered as herein after is directed: And that the Method of obtaining fuch Licence fhall be as follows; Whofoever intends to fet up an Ordinary, or Houfe of Public Entertainment, fhall petition the County Court, and they, at there Difcretion, fhall judge whether it is convenient to fuffer fuch a Houfe to be there fet up, whether the Petitioner be of Ability fufficient to comply with the Intent of the Law, and the Condition of the Bond hereafter mentioned, and whether the Surety, who is to join in the Bond, be refponfible, and thereupon to grant or reject the Prayer of the Petitioner accordingly; and in Cafe the faid Petitioner fhall be approved

Method of obtaining Ordinary Licences.

proved of, the Court shall then take Bond of the Party petitioning, with good and sufficient Surety, with the Penalty and Condition as followeth, *viz.* A. D. 1741.

K NOW all Men by these Presents, That we, A. B. and C. D. are held and firmly bound unto our Sovereign Lord George the Second, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. in the Sum of Thirty Pounds, Proclamation Money; to be paid to our said Sovereign Lord the King, his Heirs and Successors, for the Use of this Province: To which Payment well and truly to be made, we bind our selves, and every of us, our, and every of our Heirs, Executors, and Administrators, jointly and severally, firmly, by these Presents. Sealed with our Seals, and dated this Bond.
Day of

T HE Condition of this Obligation is such, That whereas the above bounden Condition.
A. B. hath obtained a Licence to keep an Ordinary at if therefore the said A. B. doth constantly find and provide, in his said Ordinary, good, wholesome, and cleanly Lodging and Dyet for Travellers, and Stable, Fodder, and Corn, or Pasturage and Corn, as the Season shall require, for their Horses, for and during the Term of One Year, from the Day of
and shall not suffer or permit any unlawful Gaming in his House, nor, on the Sabbath Day, suffer any Person to tipple and drink more than is necessary; then this Obligation to be null and void: Otherwise to be and remain in Force.

The Bond being thus taken, the Court shall grant their Order, and the Clerk shall thereupon prepare a Licence, and sign the same; and that Licence shall continue and be of Force for One Year only, from the Date of the said Order, and no longer. Bond so taken, Court to grant a Licence for one Year.

V. AND be it further Enacted, by the Authority aforesaid, That there be paid, by the Party obtaining such Licence, to the Governor or Commander in Chief of this Province for the Time being, for his Licence, the Sum of Twenty Shillings, Proclamation Money; and to the Clerk of the Court, for writing the Bond and Licence, the Sum of Five Shillings, Proclamation Money. Fee to the Governor for a Licence, 20s. to the Clerk, 5s.

VI. AND be it further Enacted, by the Authority aforesaid, That if any Ordinary-keeper shall permit in his House unlawful Gaming, or shall suffer any Person or Persons, on the Lord's Day, to tipple in his House, or drink more than is necessary, or shall (without Licence from their respective Masters,) harbour any Seaman, Servant, or Slave, contrary to the Intent and Meaning of this Act, it shall be lawful for any Two Justices of the Peace, upon their own View or Knowledge, or upon Proof made to them, by the Oath of one credible Witness, to suppress the said Ordinary, until the next succeeding Court; and upon Certificate made by the said Two Justices of the said Offence, and further Enquiry into the same, the said County Court shall disable the Offender from keeping Ordinary thereafter, until they shall think fit to grant him a new Licence, or to restore him to keep Ordinary upon the former Licence, as they shall see Cause: And if any Ordinary-keeper shall sell or retail any Liquor, after he hath been so discharged by the aforesaid Two Justices, and before he shall be restored by the Court, he shall be liable to all the Penalties and Forfeitures, as if he had never obtained a Licence. Ordinary-keepers keeping disorderly Houses, 2 Justices, upon Proof thereof, may suppress the same till Court, who may disable the Offender until a new Licence be granted, or he be restor'd.
If he retails Liquors afterwards, before he is restor'd, liable to the Pen. for retailing without Licence.

VII. AND be it further Enacted, by the Authority aforesaid, That the Justices of each County shall, Annually, at the next Court held after the First Day of May, set and rate the Prices that Ordinaries shall entertain and sell at; that is, of Liquors, according to the Measures before mentioned, and of Dyet, Lodging, Fodder, or Provender, or Corn and Pasturage. Court annually to rate Ordinary-keepers Prices.

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Ordinary-keepers taking more than the rated Prices, to forfeit 10 s.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That if any Ordinary-keeper shall ask, demand, or receive, a greater Price for any Drink, Dyet, Lodging, Fodder, Provender, Corn, or Pasturage, than shall be set down and rated by the Justices of the County, according to this Act, he or she shall, for every such Offence, forfeit and pay Ten Shillings, Proclamation Money, to the Informer; to be recovered, with Costs, by the Warrant of any Justice of the Peace of the County where such Offence shall be committed.

To keep a Table of the rated Prices set up in their Houses, on Pen. of 5 l.

IX. *AND be it further Enacted, by the Authority aforesaid,* That every Ordinary-keeper shall, within One Month after the Rates shall be set by the County Court where the Licence was granted, obtain of the Clerk a fair Table of the Rates and Prices set by the Court, for which the Clerk may ask and receive Two Shillings and Six Pence, Proclamation Money, and no more; which Table shall be openly set up in the common entertaining Room of the said Ordinary, and there constantly kept during One whole Year, or until the Rates shall be again set by the Court: And every Ordinary-keeper failing herein, shall forfeit and pay the Sum of Five Pounds, Proclamation Money.

Persons keeping Tippling-houses, not paying down the Fine, or giving Security to pay in one Month, to have 30 Lashes at the Whipping-Post; and for the second Offence, if he fails to pay, to have 39 Lashes, and be committed to Prison for 1 Month, without Bail. Offender not able to pay, Informer not to be charg'd with Fees.

X. *AND be it further Enacted, by the Authority aforesaid,* That if any Person, contrary to the true Intent and Meaning of this Act, shall keep a Tippling-house, or retail Liquor as aforesaid, without Licence, and being thereof lawfully convicted, shall not pay down the said Fine of Five Pounds, Proclamation Money, or forthwith give Security to pay the same, within One Month next after such Conviction, he or she so offending, shall immediately, by Order of the Court before whom such Conviction shall be, receive, at the Public Whipping-Post, on his or her bare Back, Thirty Lashes, well laid on, for the first Offence, in Liew of the said Fine; and for the Second, and every future Offence, upon refusing to pay or give Security for the said Fine as aforesaid, he or she shall, by Order aforesaid, receive Thirty Nine Lashes as aforesaid, and shall be committed to Prison for the Space of One Month, without Bail or Mainprize: And where the Offender is not able to pay the Fine, in that Case the Informer shall not be chargeable with any Fees, accrued by Reason of such Information.

Ordinary keepers not to sell Liquors to any Sailor in actual Pay, without Leave of the Master; nor trust any Person above 10 s. unless the Party sign a Book, on Pen. of losing all above 10 s.

XI. *AND be it further Enacted, by the Authority aforesaid,* That no Ordinary-keeper or Master of a Tippling-house, or any Person whatsoever, shall, after the Ratification of this Act, trust or sell Drink to any common Sailor, in actual Pay on board any Ship or Vessel within this Province, without Leave of the Master of such Ship or Vessel, for any Value whatsoever upon Credit, under the Penalty of losing all the Money trusted to such Sailor as aforesaid; nor shall sell Drink, upon Trust, to any Person whatsoever, to a greater Value than Ten Shillings, Proclamation Money, unless the Person so trusted shall sign a Book, in Acknowledgment of the said Debt; under the Penalty of losing all the Money so trusted, over and above the said Sum of Ten Shillings, Proclamation Money; and the Person so trusted, shall not be liable to pay the same.

Fines appropriated.

XII. *AND be it further Enacted, by the Authority aforesaid,* That all Penalties, Fines, and Forfeitures, in this Act, the Method of recovering or applying whereof are not herein particularly directed, shall be, One Half to the Churchwardens and Vestry of the Parish where such Fine is incurred, for and towards the contingent Charges of the Parish, and the other Half to him or them that shall sue for the same; to be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Province; wherein no Essoign, Protection, or Wager of Law, shall be allowed.

XIII. PRO-

A. D. 1741.

XIII. *PROVIDED* always, That nothing herein contained, shall be construed, deemed, or taken, to prohibit or restrain any Merchant or other Person, to sell, by Retail, Wine, Brandy, Rum, or Spirits, in any Quantity not less than a Quart, or Ale, Beer, or Cyder, in any Quantity not less than a Gallon, if none of the said Liquors are allowed to be tippled or drank out at the Houses, Stores, or Plantations, where the same are sold.

Not to hinder Merchants from retailing Liquors, so that they are not drank at their Houses.

XIV. *AND* be it further Enacted, by the Authority aforesaid, That all and every Act and Acts, and every Clause and Article thereof heretofore made, so far as relate to regulating Ordinaries, and Restraint of Tippling-houses, or to any other Matter or Thing whatsoever within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

Repealing Clause.

C H A P. XXI.

An Act, for the Relief of such Persons as have suffered, or may suffer, by the Registers of the several Counties within this Province neglecting to register their Deeds or mesne Conveyances; or who, through Ignorance or Neglect, have not had the same acknowledged, proved, and registered.

I. **W**HEREAS, by an Act of the General Assembly of this Province, intituled, *An Act, to appoint Public Registers, and to direct the Method to be observed in conveying Lands, Goods, and Chattels, and to prevent fraudulent Deeds and Mortgages,* amongst other Things it is Enacted, That no Conveyance or Bill of Sale for Land, (other than Mortgage,) in what Manner or Form soever drawn, should be good and available in Law, unless the same was acknowledged by the Vender, or proved, by one or more Evidences, upon Oath, either before the Chief Justice for the Time being, or in the Court of the Precinct where the Land lay, within Twelve Months after the Date of the same Deed: And whereas several of the Public Registers of the several Counties of this Province, have neglected to register several Deeds or mesne Conveyances, pursuant to the before-recited Act, and several Persons, through Ignorance or Neglect, have failed to prove, acknowledge, and register their Deeds or mesne Conveyances; and also, several Persons have recorded their Deeds or mesne Conveyances, in the Clerk's Office of the several Precincts or Counties in which such Lands lye, believing the same as effectual as if the said Deed or mesne Conveyance had been registered in the Register's Office as aforesaid; whereby several Persons Titles to their Lands and Tenements are become precarious, to the great Prejudice of such Persons: To the End therefore that all possible Relief may be given to the Persons whose Estates, Titles, and Interests, may be affected thereby;

Preamble.

II. *WE* pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That all Deeds and mesne Conveyances of Lands, Tenements, and Hereditaments, not already acknowledged, proved, and registered, by any Neglect as aforesaid, the Public Register of every County where such Neglect hath happened, shall register such Deed or mesne Conveyance, within Twelve Months after the Ratification of this Act; provided such Deeds or mesne Conveyances, be delivered to the Register of each County where the Land lyeth, within Ten Months after the Ratification of the same.

All Deeds, &c. not registered, Register to register them within 1 Year, if they are delivered to him within ten Months.

III. *AND*

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All such as have been registred, tho' not within due Time, declared valid.

And such as are registred by this Act, to be valid.

Register neglecting to register Deeds, &c. within 2 Months after Delivery, to forfeit 20 l.

III. *AND be it further Enacted, by the Authority aforesaid,* That all Deeds or mesne Conveyances, which have been recorded by the Clerk of any Precinct or County Court within this Province where such Lands lie, or have been heretofore registered by the Public Register of any of the said Precincts or Counties within this Province where such Lands lie, though not within One Year after the Date of such Conveyance, shall be good and valid in Law; and all Deeds and mesne Conveyances hereafter to be proved, acknowledged, and registered, in the Manner as is by this Act directed, shall be good and valid, to all Intents and Purposes, as if the said Deeds and mesne Conveyances had been registred pursuant to the before-recited Act: And such Registry of all and every Deed or mesne Conveyance, already registered, or that hereafter shall be registered, by Virtue of this or the before-recited Act, or a Copy thereof, properly attested by the Register, shall and may (where such original Deed or mesne Conveyance is lost,) be given in Evidence in any Court within this Province, in such Suit or Suits wherein there may be Occasion to give such registered Deed or mesne Conveyance in Evidence; any Law, Usage, or Custom, to the contrary, notwithstanding.

IV. *AND be it further Enacted, by the Authority aforesaid,* That every Register that shall neglect, refuse, or delay to register any Deeds, mesne Conveyances, or any other Instruments of Writing, within Two Months after delivered to him, such Register or Registers, for each and every Two Months so neglecting, refusing, or delaying, shall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; One Half to the Use of the Parish, and the other Half to him or them that shall sue for the same, to be recovered, by Action of Debt, Bill, Complaint, or Information, in any Court of Record in this Government, wherein no Effoign, Injunction, or Wager of Law, shall be allowed or admitted of.

C H A P. XXII.

An Act, for Punishment of Deserters. O B S.

C H A P. XXIII.

An Act, for Establishing the Church, for appointing Parishes, and the Method of electing Vestries; and for directing the Settlement of Parish Accompts throughout this Government.

Government divided into Parishes.

I. **B**E it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That this Government be and it is hereby divided into distinct Parishes, in the Manner following; that is to say, St. Paul's Parish, in Chowan County, Berkely Parish, in Perquimons County, St. John's Parish, on the Southwest Side of Pasquotank River, and St. Peter's Parish, on the Northeast Side of Pasquotank River, in Pasquotank County, Currituck Parish, in Currituck County, Northwest Parish, and Society Parish, in Bertie County, St. Andrew's Parish, in Tyrell County, St. Thomas's Parish, in Beaufort County, St. George's Parish, in Hyde County, Christ's-Church Parish, in Craven County, St. John's Parish, in Onslow County, St. James's Parish, on the East Side of Cape-Fear River, in New-Hanover County, and St. Philip's Parish, on the West Side of Cape-Fear River, in New-Hanover County, from the

the Mouth of the said River, runing up the *Northwest* River to the Bounds of the County, inclusive of the Island at the Mouth of the *Northwest* and *Northeast* Rivers, in the said County, commonly called *Eagle's Island*, lying to the *South* of the *Thoroughfare*, *St. Martin's Parish*, in *Bladen County*, and *Edgcomb Parish*, in *Edgcomb County*. A. D. 1741.

II. *AND be it further Enacted, by the Authority aforesaid*, That the Inhabitants of every Parish aforesaid, being Freeholders, shall, and they are hereby directed and impowered, to meet together on the First *Monday* next after the Ratification of this Act, and on every *Easter Monday* every Two Years thence after, at the Court-house, or where there is no Court-house, at the most usual Place of Public Worship, in every Parish, then and there to choose and elect Twelve Freeholders, to serve as Vestrymen for the Two next ensuing Years : Which Vestrymen so chosen, shall, by the Constable or Constables, be summoned to meet at the Church, and where there is no Church, then at the Court-house, or where there is no Court-house, at the most usual Place of Public Worship as aforesaid, in each respective Parish, within Forty Days next after such Choice, and then and there to Qualify themselves according to the Directions, and under the Penalty hereafter mentioned ; and if the said Constable or Constables, or any of them, shall neglect or refuse to summon the Vestry as aforesaid, he or they so offending, shall forfeit and pay the Sum of Twenty Shillings, Proclamation Money, for each and every Vestryman not summoned as aforesaid, who shall reside within the District of such Constable ; to be levied and applied as herein after is directed.

Inhabitants of every Parish to choose Vestrymen, who shall be summoned by a Constable to meet and qualify themselves.

III. *AND be it further Enacted, by the Authority aforesaid*, That no Person shall be admitted to be of any Vestry within this Government, that doth not take the Oaths by Law appointed to be taken, for the Qualification of Public Officers, and subscribe the following Declaration, *viz. I. A. B. do declare, That I will not oppose the Liturgy of the Church of England, as it is by Law established*: And all and every Vestryman who shall neglect or refuse to do the same, shall (if he be not a known Dissenter from the Church of *England*,) forfeit and pay the Sum of Three Pounds, Proclamation Money ; to be levied and applied as herein after is directed : And if any Person or Persons, chosen as a Vestryman or Vestrymen, shall neglect or refuse to take and subscribe the said Declaration, the Vestry of which such Person or Persons was or were elected a Member, or the major Part of them, are impowered and required to elect and choose another or other Freeholder or Freeholders, to be Vestryman or Vestrymen in the Room and Stead of the Person or Persons neglecting or refusing as aforesaid : And if it shall happen that the Vestry of any Parish within this Government, shall not elect and make Choice of another or others in the Room and Stead of such Vestryman or Vestrymen neglecting or refusing to qualify as aforesaid, within one Month next after such Neglect or Refusal, that then and in such Case it shall and may be lawful for the Minister of such Parish, or for Want of such, the Governor or Commander in Chief for the Time being, under his Hand and Seal, to appoint some Freeholder or Freeholders to supply such vacant Place or Places in such Vestry.

Vestrymen to take the Oaths, &c. on Penalty of 3 l. and if any refuse, major Part to choose others.

Vestry neglecting to choose others in the Room of those refusing to qualify, Minister may appoint ; if no Minister, the Governor may.

IV. *AND be it further Enacted, by the Authority aforesaid*, That the several Vestries of this Government shall, within Forty Days after *Easter Monday*, Yearly, and every Year, elect and choose out of the said Vestry, Two Persons, to execute the Office of Churchwardens in each and every respective Parish ; and if the Persons elected and chosen Churchwardens as aforesaid, or either of them, shall refuse to execute the said Office, he or they so refusing, shall forfeit and pay Forty Shillings, Proclamation Money ; to be levied and applied as herein after is directed ; and the Vestry shall immediately proceed to elect and choose another Churchwarden or Churchwardens out of the Vestrymen, in the Room of him or them so refusing to act.

Vestrymen to choose Churchwardens ; if they elected refuse to act, to pay 40 s. and Vestry to elect others.

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No Person oblig-
ed to serve more
than 1 Year.

V. *PROVIDED* always, That no Person whatsoever, shall be obliged to serve as Churchwarden in any Parish within this Government, for more than One Year, unless he consent thereto.

Churchwardens,
or three of the
Vestry, may call
a Vestry.

VI. *AND* be it further *Enacted*, That the Churchwardens, or in Case they refuse or neglect, any Three or more of the Vestry in each and every Parish in this Government, shall have full Power and Authority to call the Vestry together, at the Places as are in this Act heretofore directed, at any Time, and upon any Occasion, they shall judge necessary, by Warrant or Warrants under their Hands, directed to the several Constables of the respective Districts and Parishes, who shall be obliged to execute the same according to the Tenour thereof, under the Penalty of Ten Shillings, Proclamation Money, for each and every Vestryman in such Warrant mentioned, who shall not be summoned; to be levied and applied as herein after is directed: And every Vestryman who shall neglect or refuse to attend the Vestry agreeable to such Summons, shall forfeit and pay the Sum of Ten Shillings, Proclamation Money, for such Offence, unless he can shew sufficient Cause for his so doing, to be admitted of by the Vestry, or the major Part of them, at their next Meeting; to be levied and applied as herein after is directed.

On Death or Re-
moval of Church
wardens, or Ex-
piration of Time
of Service, Vestry
to choose others.

VII. *AND* be it further *Enacted*, by the Authority aforesaid, That the Vestries of the several Parishes of this Government, shall have full Power and Authority, upon the Death or Removal out of their respective Parishes of any Churchwarden or Churchwardens, before the Time limited for the executing the said Office be expired, to elect and chuse, out of the Vestry, another Churchwarden or Churchwardens, in the Room and Stead of the Person or Persons dead, or removing out of the Parish as aforesaid; which Churchwarden or Churchwardens so elected and chosen, shall serve until the Time appointed by this Act for the Election and Choice of Churchwardens: Any Thing herein contained to the contrary, notwithstanding.

Vestry to lay a
Tax, to defray
Parish Charges.

VIII. *AND* be it further *Enacted*, by the Authority aforesaid, That the Vestries of each respective Parish within this Government, shall have full Power and Authority, and they are hereby directed and required, within Forty Days next after every *Easter Monday*, Yearly, and every Year, to appoint and order such Sum of Money as they shall judge necessary, to pay and satisfy the Expence and Charge of their respective Parish, for the then current Year, to be raised by the Poll, and collected in the same Manner by the Sheriff as other Taxes.

Deducting three
per Cent. for
Churchwardens
Trouble.

IX. *AND* be it *Enacted*, by the Authority aforesaid, That the Churchwardens of each and every respective Parish in this Government, shall deduct, out of the Money arising from all Parish Taxes by them received, the Sum of Three per Cent. as a Reward for their Trouble, and no more.

Churchwardens
to pay all Parish
Monies to the
Vestry, on Pen.
of 20 l.

X. *AND* be it further *Enacted*, by the Authority aforesaid, That the Churchwardens of each and every respective Parish in this Government, shall, the first Vestry to be held in each Parish after every *Easter Monday*, Yearly, and ever Year, on Oath, account with their respective Vestries for all Parish Monies in their Hands, of what Kind or Denomination soever, that now are or hereafter shall become due, by Virtue of any Law for that Purpose, or otherwise, and shall pay the same to the Vestry, or their Order: And if any Churchwarden or Churchwardens which now is or are, or that hereafter shall be, in any of the respective Parishes in this Government, shall neglect or refuse to account for and pay to the respective Vestries, or their Order, the Money in his or their Hands, belonging to the Parish for which he or they are Churchwardens, within Twenty Days next after Notice, in Writing, given to him or them, to account for and pay the Parish Money aforesaid,

said, he or they so offending, shall severally forfeit and pay Twenty Five Pounds, Proclamation Money; to be recovered by Action of Debt, Bill, Plaint, or Information, in the Name of the Churchwardens, in any Court of Record within this Province, wherein no Essoign, Injunction, Protection, or Wager of Law, shall be allowed or admitted of; to be applied by the Vestry to the Use of the Parish.

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XI. *PROVIDED* always, That nothing in this Act shall be construed to repeal any Clause, Matter, or Thing, in Two several Acts, passed last Session, at *Edenton*, for the finishing a Church at *Edenton*, and for erecting, building, and finishing a Church at *Newbern*.

Proviso.

XII. *AND* be it further Enacted, by the Authority aforesaid, That the Vestry and Churchwardens of each and every Parish in this Government, shall have full Power and Authority to call any Justice of the Peace or other Person or Persons whatsoever, to account, upon Oath, for the Monies in the Hands of them or any of them belonging to their respective Parishes, or accruing and becoming due to the same, by Virtue of any of the Laws of this Government: And if any Justice or Justices or other Person or Persons, shall refuse to appear and account as aforesaid, such Justice or Justices, or any other Person or Persons so refusing or neglecting, shall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; to be recovered by the Churchwardens of the Parish where such Monies become due, or where payable, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this Government, wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of; and to be applied to the Use of the Parish.

Vestry may call Justices to Account for Parish Money.

XIII. *AND* be it further Enacted, by the Authority aforesaid, That the Vestry of each and every Parish in this Government, shall have full Power to raise Money, by the Poll, for building a Church, Chappel, or Chapples, to purchase Lands for a Glebe, to erect convenient Buildings thereon, and to keep the aforesaid Edifices in Repair, as Need shall be, from Time to Time, and to buy Books and Ornaments for the Church and Public Worship, and for the Care and Support of the Poor, and all other Parish Charges as they shall judge necessary for the respective Parishes; which said Poll-Tax shall be collected and levied as in this Act before is directed, and shall not exceed Five Shillings, Proclamation Money, per Poll, in any one Year, for all the Purposes in this Act before mentioned.

Vestry to lay a Tax, for building Church, Glebe-house, &c.

XIV. *AND* be it further Enacted, by the Authority aforesaid, That the several Churchwardens and Vestries of the several and respective Parishes of this Government, or the greatest Part of them, shall use their best and utmost Endeavours, to procure an able and Godly Minister, qualified according to the Ecclesiastical Laws of *England*, and a Person, of a sober Life and Conversation, to be Clerk; and may raise him or them such Stipends, Yearly, as they shall think convenient, so as such Stipend for the Minister be no less than Fifty Pounds, Proclamation Money, Yearly.

Vestry to procure a Minister, and Clerk, and allow them Salaries.

XV. *PROVIDED* always, That such Minister for whom such Monies are so to be raised, be constantly resident in the Parish, and doth not omit officiating at the Church or Chappels within the Parish, unless permitted by the Churchwardens and Vestry to officiate in such neighbouring Parish which may be vacant, or disabled by Sicknefs, or other unavoidable Accident.

Minister to be resident in the Parish, &c.

XVI. *AND* be it further Enacted, That if any Minister who shall have a Cure in any Parish by Virtue of this Act, shall be notoriously guilty of any scandalous Immorality, it shall and may be lawful for any Number of the Vestry not less than Nine, agreeing thereto, to withdraw the Stipend by this Act allowed to such Minister.

Minister guilty of Immorality, Vestry may withdraw his Salary.

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Minister may bring Suit for his Salary, and Vestry may plead their Order.

If Jury find for the Minister, he shall have his Salary; but if not, another Minister may be appointed.

Minister to keep his Glebe in Repair, and suffer no Waste, or be liable to the Action of the Churchwardens.

Forfeitures how to be recovered and applied.

Vestry appointed for St. Philip's Parish.

Repealing Clause.

XVII. *PROVIDED* always, That after such withdrawing of the Stipend, such Minister shall be at Liberty to bring Suit, in the General Court of this Province, against the Churchwardens of his Parish, for the Recovery of his Stipend; in which Suit the Churchwardens may, in Bar of the Action, plead the Order of the Vestry, and shall set forth the particular Facts for which the Vestry withdrew the Stipend of such Minister: And in Case the Jury shall find for the Minister, then he shall recover his Stipend, with Costs of Suit, and enjoy his Benefice; but in Case the Jury find for the Churchwardens, then, and in such Case, the Vestry of the Parish are hereby impowered to elect another Minister in his Room and Stead.

XVIII. *AND* be it further Enacted, by the Authority aforesaid, That every Minister within this Government, shall, during his Incumbency, keep and maintain the Mansion-house, and all other the Out-houses and Conveniencies that shall be erected on his Glebe, in tenantable Repair, and shall so leave the same at his Death, or Removal out from the said Parish, (the Accidents of Fire and Tempest only excepted,) and shall not suffer any Waste, by cutting down of Timber, or otherwise, to be committed on his said Glebe, except for necessary Repairs, Fences, or other Improvements, and Fire-wood, to be used thereon: And in Case any Minister shall fail to keep his said Glebe, and the Buildings thereon, in tenantable Repair, or shall suffer any Waste to be committed thereon as aforesaid, such Minister, his Executors, and Administrators, shall be liable to the Action of the Churchwardens of the Parish for the Time being, whereby the Value of such Repair or Waste shall be recovered, in Damages, with Costs of Suit; and the Damage so recovered shall be laid out, according to the Directions of the Vestry and Churchwardens, in making necessary Repairs upon the Glebe.

XIX. *AND* be it further Enacted, by the Authority aforesaid, That the several Sums of Money, arising and becoming due by Reason of the Forfeitures by this Act inflicted, and for which no Method of Recovery or Application is directed before in this Act, shall be levied, within one Week next after they shall become due, by Warrant of Distress, and Sale of the Offenders Goods, from one or more of his Majesty's Justices of the Peace within the County where the Default shall be made, (Regard being had to the Jurisdiction of the said Justice or Justices, returning the Overplus, if any, to the Owner,) and paid to the Churchwardens, for the Use of the Parish, and by them to be accounted for and paid as herein before is directed.

XX. *AND* whereas a Vestry and Churchwardens will be wanting, for the Parish of St. Philip's, in New-Hanover County, before the Time limited by this Act, for the Election of Vestrymen for the several Parishes within this Province; Be it Enacted, by the Authority aforesaid, That Nathaniel Rice, Eleazer Allen, Matthew Rowan, Roger Moore, William Forbes, James Hasel, Richard Eagles, John Davis, Archibald Hamilton, George Ronald, Cornelius Harnet, and George Moore, be, and are hereby appointed Vestrymen for the said Parish of St. Philip's, until the next Election of Vestrymen, as by this Act directed: Which said Vestry shall have full Power to choose Churchwardens, and to do and perform every other Matter and Thing, which other Vestrymen may do by Virtue of this Act, and shall be liable to the same Penalties and Forfeitures as in this Act is before mentioned; any Law, Custom, or Usage, to the contrary, notwithstanding.

XXI. *AND* be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article thereof, (except as before excepted,) heretofore made, so far as relate to the establishing the Church, appointing Parishes, and select Vestries, and for directing the Settlement of Parish Accounts,

Accounts, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made. A. D. 1741.

C H A P. XXIV.

An Act, concerning Servants and Slaves.

I. **B**E it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That no Person whatsoever, being a Christian, or of Christian Parentage, who, from and after the Ratification of this Act, shall be imported or brought into this Province, shall be deemed a Servant for any Term of Years, unless the Person importing him or her shall produce an Indenture, or some Specialty or Agreement, signifying, that the Person so imported did contract to serve such Importer, or his Assigns, any Number of Years, in Consideration of his or her Passage, or some other Consideration therein expressed; and upon any Contest arising between the Master of any Vessel, or other Person importing any Servant or Servants, without Indenture, upon any Bargain or Specialty as aforesaid, the same shall be determined at the next County Court to be held for the County where the said Servant or Servants shall be imported, the Justices of which Court are hereby empowered to hear and determine the same, in a summary Way; and such Determination or Judgment shall be conclusive and binding on the Importer or Servant or Servants, either for the Discharge of the said Servant or Servants, or to oblige him, her, or them, to serve the Importer, or his Assigns, as the Matter shall appear.

No Christian imported shall be a Servant, unless by Indenture, or Agreement.

Difference between Masters of Vessels and Persons imported, to be determined by the Co. Court.

II. *AND* be it further Enacted, by the Authority aforesaid, That if any Christian Servant, whether he or she be a Servant by Importation, or otherwise, shall, at any Time or Times, absent him or herself from the Service of his or her Master or Mistress, without Licence first had, he or she shall satisfy and make good such Loss of Time, by serving, after their Time of Service by Indenture or otherwise is expired, double the Time of Service lost or neglected by such Absence; and also such longer Time as the County Court shall think fit to adjudge, in Consideration of any further Charge or Damage the Master or Mistress of such Servant may have sustained; by Reason of his or her Absence as aforesaid.

Servants absenting themselves, to serve double Time, besides what the Court shall order for Charges.

III. *AND* be it further Enacted, by the Authority aforesaid, That if any Christian Servant shall lay violent Hands on his or her Master or Mistress, or Overseer, or shall obstinately refuse to obey the lawful Commands of any of them, upon Proof thereof by one or more Evidences before any Justice of the Peace, he or she shall, for every such Offence, suffer such Corporal Punishment as the said Justice shall think fit to adjudge, not exceeding Twenty One Lashes.

Disobedient Servants to be punished.

IV. *AND* as an Encouragement for Christian Servants to perform their Service with Fidelity and Chearfulness; Be it further Enacted, by the Authority aforesaid, That all Masters and Owners of any Servant or Servants, shall find and provide for their Servant or Servants, wholesome and competent Dyet, Cloathing, and Lodging, at the Discretion of the County Court, and shall not, at any Time, give immoderate Correction, neither shall, at any Time, whip a Christian Servant naked, without an Order from a Justice of the Peace: And if any Person shall presume to whip a Christian Servant naked, without such Order, the Person so offending, shall forfeit and pay the Sum of Forty Shillings, Proclamation Money, to the Party injured; to be recovered, with Costs, upon Petition to the County Court, (without the formal Process of an Action,) as in and by this Act is provided.

Master to provide Necessaries for Servants.

Not to whip them naked, on Pen. of 40 s. to such Servant.

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vided for Servants Complaints to be heard and determined; provided Complaint be made within Six Months after such whipping.

Servants complaining, Justice may bind the Master to next Court.

Complaints to be heard without formal Process of Action.

Master not complying with the Order of Court, Servant to be sold.

V. *AND be it further Enacted, by the Authority aforesaid, That all Servants by Indenture or otherwise as aforesaid, shall have their Complaints received by a Justice of the Peace, who, if he find Cause, shall bind the Master, Mistress, or Overseer, over, to answer the Complaint at the next County Court; and it shall be there determined: And all Complaints of any Servant or Servants shall and may, either immediately, or as aforesaid by Virtue hereof, be received at any Time, upon Petition or Information in the Court of the County wherein they reside, without the formal Process of an Action; and also, full Power and Authority is hereby given to the said Court, at their Discretion, (having first summoned the Master, Mistress, or Overseer, to justify themselves, if they think fit,) to adjudge, order, and appoint what shall be necessary as to Diet, Lodging, Cloathing, or Correction: And if any Master, Mistress, or Overseer, shall not thereupon comply with the Order of the said Court, the said Court is hereby authorized and empowered, upon a second just Complaint, to order such Servant or Servants to be immediately sold, at Public Vendue, by the Sheriff; and after the Charges are deducted, the Remainder of what the said Servant or Servants shall be sold for, to be paid to the Owner.*

If by Sickness he can not be sold for enough to pay the Charges, to be sent to the Churchwardens, and provided for by the Master.

VI. *PROVIDED always, That if such Servant or Servants shall be sick or lame, or otherwise rendered so in capable that he, she, or they, cannot be sold for such Value at least as shall satisfy the Fees, and other incident Charges accrued, the said Court shall then order such Servant or Servants into the Care of the Churchwardens of the Parish; and the Master, Mistress, or Owner, shall provide the said Servant or Servants with such convenient Necessaries as they shall direct and judge sufficient for his, her, or their Support, until the Time due by Law from such Servant or Servants to their Master, Mistress, or Owner, shall be expired, or until such Servant or Servants shall be so recovered as to be sold, for defraying the said Fees and Charges.*

Charges to be levied on the Master.

VII. *AND be it further Enacted, That the said Court, from Time to Time, shall order the Charges of keeping such Servant or Servants, to be levied upon the Goods and Chattels of the Master or Owner of such Servant or Servants, in Case they should neglect or refuse to provide for the same.*

Servants Complaints for their Freedom Dues, to be heard.

VIII. *AND be it further Enacted, by the Authority aforesaid, That all Servants aforesaid, whether by Indenture or otherwise, as well Feme-Coverts as others, shall, in the like Manner, (as is provided upon Complaints of Misusage,) have their Petitions received in the said County Court, for their Wages, Freedom, and Freedom Dues, (in this Act hereafter expressed,) without the formal Process of an Action; and Proceedings and Judgment shall, in like Manner, be had thereupon.*

Master discharging sick Servant before he is free, and not endeavouring his Recovery, to forfeit 5 l.

IX. *AND be it further Enacted, by the Authority aforesaid, That no Master or Mistress of any Servant or Servants, who shall happen to be sick or diseased during the Time of their Servitude, and unable to perform their daily Labour, shall, upon any Pretext whatsoever, remit to such Servant or Servants, any Part of his, her, or their Time, to be cleared of them, whereby the said Servant or Servants may perish, or become a Charge to the Parish: And whosoever shall hereafter offend herein, or shall not use and endeavour all lawful Means for Recovery of such their Servant or Servants as shall happen to be sick or diseased, during the Time of his, her, or their Servitude, shall forfeit, for each and every Servant so turned off or neglected, Five Pounds, Proclamation Money; to be levied by an Order from the County Court before whom the Fact shall be proved, by the Oath of one or more Witnesses or Witnesses, and to be paid into the Hands of the Churchwardens*

wardens of that Parish where the Offence shall be committed, and disposed of towards the Support and Maintenance of such Servant or Servants so turned off or neglected, for the Recovery of his, her, or their Health and Strength; and such Servant or Servants shall be, by the County Court, or any Two Justices, during the Time of their Infirmary, ordered into the Hands and Care of the Churchwardens of the Parish in which his, her, or their Master or Owner shall dwell: But in Case such sick or diseased Servant or Servants respectively shall not live to the expending the said whole Sum of Five Pounds, Proclamation Money, then the Remainder to be disposed of to the Use of that Parish; or in Case the said Sum of Five Pounds should not be sufficient to support each Servant during his Servitude, or until his Recovery, in such Case the County Court is hereby authorized and empowered to order a Sufficiency to be levied (from Time to Time, as the same shall become due,) upon the Goods and Chattels of the Master or Owner of such Servant or Servants, if they shall neglect or refuse to provide the same, agreeable to the Orders of the said Court; and such Servant or Servants so neglected or turned off, shall, upon their Recovery, be set free from their Master or Owner.

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If 5l. shall not be sufficient to support such Servant, Court may order more.

Servant so turn'd off, shall be free on his Recovery.

X. *PROVIDED* always, and be it further Enacted, That if any Servant or Servants in this Government, shall, thro' his, her, or their own wilful Misbehaviour, happen to have any Disease, or any broken Bones, Bruises, or other Impediments, whereby they may be disabled to perform their Labour as they ought to do, and become chargeable to their Master or Owner, such Servant or Servants shall serve his, her, or their Master or Owner, after the Time of his, her, or their Service by Indenture or otherwise is expired, such Time as shall, by the County Court, be adjudged sufficient, to satisfy the Charges expended on him, her, or them, for his, her, or their Recovery; and shall also serve over so much Time as he, she, or they, by any such Means, were disabled to serve: Any Thing herein contained to the contrary, notwithstanding.

Servants bringing Sickness, &c. on themselves, to serve for it.

XI. *AND* be it further Enacted, by the Authority aforesaid, That if any Servant or Servants shall unjustly vex and trouble his, her, or their Master or Owner, with groundless Complaints against them to the County Court, or to any Justice or Justices of the Peace, such Servant or Servants shall, by the County Court, be ordered to serve his, her, or their Master or Owner, so injured by such unjust and groundless Vexation, after the Expiration of the Time he, she, or they have then to serve, the double Term and Space of that Time he, she, or they neglected and lost, in Prosecution of such Complaints.

Servants making false Complaints, to serve double the Time lost.

XII. *AND* be it further Enacted, by the Authority aforesaid, That every Servant who shall be in Goal, for his, her, or their own Offence, shall serve his, her, or their Master or Owner, double the Time he, she, or they shall there remain, after the Expiration of the Time he, she, or they have to serve by Indenture or otherwise; and further, serve his, her, or their said Master or Owner, such Time as shall be ordered by the County Court, as a Satisfaction for the Fees and other Charges his, her, or their Master or Owner hath expended for such Servant or Servants.

Servants put into Goal for their Offences, to serve double Time.

XIII. *AND* be it further Enacted, by the Authority aforesaid, That in all Cases of Penal Laws, whereby Persons free are punishable by Fine, Servants shall be punished by whipping, at the Discretion of any Court, or Justice or Justices before whom such Fine or Fines are recoverable, not exceeding Thirty Nine Lashes; unless the Servant so culpable, can and will procure some Person or Persons to pay the Fine.

Where free Persons are punishable by Fine, Servants to be whipped, unless they pay the Fine.

XIV. *AND* be it further Enacted, by the Authority aforesaid, That no free Man or Trader whatsoever, shall buy, sell, trade, barter, or borrow any Commodities

No free Person to trade with Servants

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vants, or Slaves,
on Pen. of treble
the Value traded
for, and 6 l.

Offender not able
to pay, to be sold
for a Servant.

modities whatsoever, with, to, or from any Apprentice or Servant, whether so by Indenture or otherwise, or with any Slave within this Government, without the Consent of the Master, Mistress, or Owner of such Apprentice, Servant, or Slave, upon Pain of forfeiting treble the Value of the Commodity or Commodities so traded for, bartered or sold; and also, shall pay the Sum of Six Pounds, Proclamation Money, to the Use of the said Master, Mistress, or Owner; to be recovered, in the Court of the County where the Offence shall be committed, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of: And if it shall so happen, that the Person so offending shall not be able to pay treble the Value of the Commodities so traded for, sold or bartered, and the Sum of Six Pounds, such Persons shall then be adjudged, by the County Court, to be sold as a Servant for the same.

Master not suing
in 6 Months, a-
ny other Person
may.

XV. *PROVIDED* always, That if the Master, Mistress, or Owner of such Apprentice, Servant, or Slave, shall not, within Six Months after he or she shall have Information or Knowledge of such Offence, prosecute the Offender or Offenders for the same, that then it shall and may be lawful for any other Person so to do, and to have and receive every Advantage and Benefit arising from such Prosecution.

Servants imbez-
zeling their Mas-
ters Goods, to
serve for it.

XVI. *AND* be it further Enacted, by the Authority aforesaid, That every Servant, by Indenture or otherwise, who shall imbezzel, purloin, wilfully waste, or shall trade, sell, or barter, or otherwise make away any of his or her Master or Mistress's Corn, Cattle, Sheep, Hogs, Stock, or other Goods or Provisions, or Commodities whatsoever, shall, upon Conviction of every such Offence, by one or more Testimonies, upon Oath, or Confession of the Party, before any County Court within this Government, be adjudged, by the said Court, to serve his or her said Master or Mistress such Time as the said Court shall think reasonable, for the said Offence, after the said Time by Indenture or otherwise, as aforesaid, is expired.

Woman Servant
having a Child in
her Servitude, to
serve 1 Year for
it.

XVII. *AND* whereas many Women Servants are begotten with Child by free Men, or Servants, to the great Prejudice of their Master or Mistress, whom they serve; *Be it therefore further Enacted, by the Authority aforesaid,* That if any Woman Servant shall hereafter be with Child, and bring forth the same during the Time of her Servitude, she shall, for such Offence, be adjudged, by the County Court, to serve her Master or Mistress One Year, after her Term of Service by Indenture or otherwise is expired.

If she has a Child
by her Master,
Churchwardens
may sell her for
1 Year.

XVIII. *AND* be it further Enacted, by the Authority aforesaid, That if any Woman Servant shall hereafter be delivered of a Child, begotten by her Master, such Servant shall, immediately after Delivery, be sold, by the Churchwardens of the Parish where the Offence shall be committed, for One Year, after the Time of Service by Indenture or otherwise is expired; and the Money arising by such Sale, shall be to the Use of the Parish: And if any white Servant Woman shall, during the Time of her Servitude, be delivered of a Child, begotten by any Negro, Mulatto, or Indian, such Servant, over and above the Time she is by this Act to serve her Master or Owner for such Offence, shall be sold, by the Churchwardens of the Parish, for Two Years, after the Time by Indenture or otherwise is expired; and the Money arising thereby applied to the Use of the said Parish; and such Mulatto Child or Children of such Servant, to be bound, by the County Court, until he or she arrive at the Age of Thirty One Years.

If by a Negro,
&c. she may be
sold for 2 Years,
and the Child
bound out til 31
Years of Age.

XIX. *AND* whereas many Abuses have and may be committed, by Persons who, under Pretence of understanding several Trades and Mистерies, have procured, and may hereafter procure, large Sums of Money to be advanced to them,
and

and have entered, and may hereafter enter, into Covenants with Merchants and others in *Great-Britain*, or elsewhere, for the Payment of large Wages, Yearly, though they were, or may be, totally ignorant of, and unable to perform, such Trade and Mistry: For Remedy whereof,

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XX. *BE it Enacted, by the Authority aforesaid*, That all and every Person or Persons already imported, or who shall be hereafter imported, into this Government, as a Tradesman or Workman, on Wages, and shall be found not to understand such Trade or Employment, the Master or Owner of such Servant may bring him or her to any County Court of this Government; which Court, upon Complaint made to them of such Deceit, are hereby impowered and directed to enquire into the same, and upon finding any such Fraud, may judge and direct such Satisfaction to be made to the Master or Owner of such Servant, either by Defalcation of the Wages, or Part thereof, as to them shall seem just.

Tradesmen imported on Wages found not to understand their Trades, Court may cut off their Wages.

XXI. *AND be it further Enacted, by the Authority aforesaid*, That if any Person, who is or shall hereafter be imported or brought into this Government, as a Tradesman or other Workman, on Wages, shall refuse or neglect to perform his Duty, or shall absent himself from his Master or Owner's Service without Leave, in every such Case, it shall and may be lawful for the Justices of the County Court wherein such Master or Owner resides, upon Complaint, and Proof to them made, to order such Satisfaction and Reparation to the Master or Owner of such Servant, for the Damages sustained by him for such Refusal or Neglect, as to them shall seem just; and for every Day such Servant shall absent himself from his Master or Owner's Service as aforesaid, to order and direct such Servant to serve his or her said Master or Owner, Two Days for every Day's Absence, after his Time by Indenture or otherwise is expired, and that without any Wages to be paid for such Service.

If they refuse to do their Duty, or absent themselves, to serve double the Time lost, without Wages.

XXII. *AND be it further Enacted, by the Authority aforesaid*, That there shall be allowed to every Servant, whether by Indenture or otherwise, not having Yearly Wages, at the Expiration of his or her Service, Three pounds, Proclamation Money, besides one sufficient Suit of wearing Cloaths for such Servant or Servants.

Servants Freedom Dues.

XXIII. *AND be it further Enacted, by the Authority aforesaid*, That if any Person or Persons already have, or shall hereafter, import into this Government, and here sell, or retain for his own Use, as a Slave, any Person or Persons that shall have been free in any Christian Country, Island, or Plantation, or *Turk* or *Moor*, in Amity with his Majesty, such Importer or Seller as aforesaid shall forfeit and pay, to the Party from whom the said free Person shall recover his or her Freedom, double the Sum for which such free Person was sold; to be recovered in any Court of Record within this Government, according to the Course of Common Law, wherein the Defendant shall not be admitted to plead, in Bar, any Act or Statute for Limitation of Actions: And moreover, such Importer or Seller of any such free Person as aforesaid, shall be committed until he enter into Bond, before the said Court, with Two good and sufficient Sureties, in the Sum of Five Hundred Pounds, *Sterling* Money of *Great-Britain*, payable to Our Sovereign Lord the King, his Heirs and Successors, with Condition, That he shall and do, within One Year then next ensuing, transport and Land (Danger of the Seas and Life only excepted,) such free Person sold by him as a Slave as aforesaid, (if he or she shall so require,) in the Country, Island, or Plantation from whence he or she was indirectly brought as aforesaid; and shall produce an authentick Certificate of his Performance thereof to the said Court.

Persons importing and selling as a Slave any free Person, to pay to the Party injured double the Sum he was sold for.

And shall give Security to carry such Person to the Place from whence he brought him.

XXIV. *AND be it further Enacted, by the Authority aforesaid*, That each and every Justice of the Peace for the several Counties within this Government, are

On Complaint of any such Person

T t

hereby

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fold, Justice to examine the Matter, and bind the Offender, with the Witnesses, to the next Court; where the same shall be determined.

hereby impowered and directed, upon the Complaint of any Person who now is, or hereafter shall be, imported into this Government, and who was free in any Christian Country, Island, or Plantation, before his or her Transportation hither, who is kept or sold as a Slave, to cause the pretended Owner of such Person complaining, to appear before him, together with such Evidence or Evidences as shall be material; and after Examination taken, in Writing, shall bind them over to appear at the next County Court of which he is a Member, where the said Complaint shall be heard and determined without any formal Process of Law.

Penalty on Persons tempting Servants or Slaves from their Masters Service.

XXV. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons whatsoever, shall, directly or indirectly, at any Time after the Ratification of this Act, tempt or persuade any Apprentice or other Servant, during the Time of his or her Service due by Indenture or otherwise, or any Negro or other Slave, to leave their Master or Mistress's Service to whom he or they is Apprentice, Servant, or Slave, or shall, knowingly, give Encouragement to relieve, assist, harbour, or entertain any such, or shall, knowingly, encourage, relieve, assist, harbour, or entertain, for any Space of Time whatsoever, any Apprentice, Servant, or Slave, who shall wilfully absent him or herself from the Service of his or her Master or Mistress, such Person or Persons so offending, shall forfeit and pay, for each and every such Apprentice or other Servant, and for each and every Negro or other Slave, the Sum of Forty Shillings, Proclamation Money, and for each Twelve Hours such Apprentice or other Servant, Negro, or Slave, be afterwards absent from his Master or Mistress's Service, the Sum of Five Shillings, Proclamation Money; to be recovered, by the Master or Owner of such Apprentice, Servant, or Slave, by Action of Debt, Bill, Complaint, or Information, in the General or County Court, wherein no Essoign, Protection, or Injunction, shall be allowed or admitted of: And if it should so happen, that any Person or Persons convicted Offenders herein, should not be able, or refuse to pay the Fines by this Act inflicted, in such Case the Offender shall be, by Order of the General or County Court, sold as a Servant, for such Time as the said Court shall think sufficient, to pay the same; and shall be, during such Servitude, liable to the Penalties and Forfeitures inflicted for Breaches of this Act.

Overseer leaving his Employment, to forfeit his Wages, or Share of the Crop.

XXVI. *AND be it further Enacted, by the Authority aforesaid,* That if any Person shall hire or contract himself to serve as an Overseer, either upon Wages or Share of the Produce, with any Person or Planter whatsoever within this Government, and shall absent himself or depart from the Service of his Master or Mistress, before the Time mentioned in his Agreement or Contract shall be expired, he shall, for such Offence, forfeit his Right and Title to his Wages, or Share of the Produce.

Penalty on Persons carrying Slaves out of the Government.

XXVII. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons whatsoever, shall, directly or indirectly, at any Time after the Ratification of this Act, tempt or persuade any Negro or Negroes, or other Slave or Slaves, to leave his, her, or their Master or Mistress's Service, out of an Intent and Design to carry or convey away him, her, or them, out of this Government, or shall harbour or conceal him, her, or them, for that Intent and Purpose, and be thereof convicted, by his, her, or their own Confession, or the Oath of one credible Witness, such Person or Persons shall, by the Two next Justices of the Peace, be committed to Goal, or bound over to the next Court to be held for the County where the Offence shall be committed, and shall be prosecuted, by Indictment, for the said Offence; and being thereof lawfully convicted, shall, by the said Court, be adjudged to pay, to the Master or Mistress, for each Negro or other Slave so inticed or persuaded, for the Purpose aforesaid, the Sum of Twenty Five Pounds, Proclamation Money, or the Value thereof; to be levied by Order of the said Court: But in Case the Party offending shall not be found worth Lands,

Goods,

Goods, or Chattels, to the Value aforesaid, then the said Court shall adjudge him, her, or them, to serve the Owner of such Slave or Slaves, or his Assigns, Five Years; and so deliver him, her, or them, over to the Master, Mistress, or Owner of such Slave or Slaves, so tempted or persuaded as aforesaid, and make Record thereof: But if any Person or Persons shall so tempt and practice with any Negro or Negroes, or other Slave or Slaves, and him, her, or them, so tempted, shall actually convey away, or send out of this Government, and be afterwards apprehended, and convicted thereof, he, she, or they, shall, by the said Court, be severally adjudged and condemned as guilty of Felony; and shall suffer accordingly.

A. D. 1741.

XXVIII. AND for Encouragement of all Persons to take up Runaways, *Be it Enacted, by the Authority aforesaid,* That for the taking up Servants or Slaves, if Ten Miles, or under, from the House or Quarter where such Servant or Slave was kept, there shall be allowed, by the Master, if known, and residing in the County, if not, by the Public, as a Reward to the Taker-up, Seven Shillings and Six Pence, Proclamation Money, and for every Mile above Ten, Three Pence, over and above the said Sum; which said several Rewards shall be paid by the Churchwardens of the Parish where such Taker-up shall reside, or where he shall bring such Runaway before a Justice of the Peace; and shall be levied again by the Churchwardens of the said Parish, upon the said Master or Owner of such Runaway, for Reimbursement of the same to the Parish: And for the greater Certainty in paying the said Rewards, and reimbursing the Parish, every Justice of the Peace before whom such Runaway shall be brought, upon the taking up, shall grant a Certificate thereof, in which he shall mention the proper Name and Surname of the Taker-up, and the County of his or her Residence, together with the Time and Place of taking up the said Runaway, and shall also mention the Name of the said Runaway, and the proper Name and Surname of the Master or Owner of such Runaway, and the County of his or her Residence, together with the Distance of Miles, in the said Justices Judgment, from the Place of taking up the said Runaway, to the House or Quarter where such Runaway was kept; upon producing which Certificate to the Churchwardens of the Parish where the same was granted, they shall pay, to the Taker-up of such Runaway, or his Assigns, the Reward aforesaid; and shall levy the same again as aforesaid: But if it should happen, that the Master or Owner of such Runaway should not reside, or have Effects in the County where the said Certificate shall be granted by the Justice as aforesaid, the said Churchwardens shall transmit the said Certificate to the Sheriff of the County where the Owner of such Runaway resides, or hath Effects, who shall, upon Receipt thereof, immediately levy the same upon the Goods and Chattels of the Master or Owner of such Runaway, and return the same to the Churchwardens aforesaid, or their Order; any Law, Usage, or Custom to the contrary, notwithstanding.

Reward to Persons taking up Runaways.

Reward how to be paid.

XXIX. *AND be it further Enacted, by the Authority aforesaid,* That if any Negro or other Person, who shall be taken up as a Runaway, and brought before any Justice of the Peace, and cannot speak *English*, or, through Obstinacy, will not declare the Name of his or her Owner, such Justice shall, in such Case, and he is hereby required, by a Warrant under his Hand, to commit the said Negro Slave or Runaway to the Goal of the County wherein he or she shall be taken up; and the Sheriff, or Under-Sheriff, of the County into whose Custody the said Runaway shall be committed, shall forthwith cause Notice, in Writing, of such Commitment, to be set up on the Court-house Door of the said County, and there continued, during the Space of Two Months; in which Notice, a full Description of the said Runaway, and his Cloathing, shall be particularly set down; and shall cause a Copy of such Notice to be sent to the Clerk or Reader of each Church or Chappel within his County, who are hereby required to make Publication thereof, by setting up the same in some open and convenient Place, near the said Church or Chappel, on every Lord's Day during the Space of Two Months, from the

Runaway Slave not telling his Master, to be committed to the Co. Goal, and Notice given for 2 Months by the Sheriff.

Date

A. D. 1741.

Sheriff failing to
give such Notice,
to forfeit 5 l.

Date thereof: And every Sheriff failing to give such Notice as herein is directed, shall forfeit and pay Five Pounds, Proclamation Money; which said Forfeiture shall and may be recovered, with Costs, in any Court of Record in this Government, by Action of Debt, Bill, Plaint, or Information, wherein no Effoign, Privilege, Protection, Injunction, or Wager of Law, shall be allowed: The One Moiety whereof shall be to the Churchwardens, for the Use of the Parish, as well as towards the defraying the Charges that shall arise and become due by Virtue of this Act, and the other Moiety to the Person who shall sue for the same.

Owner not
known in two
Months, Run-
away to be sent to
the Public Goal.

XXX. *AND be it further Enacted, by the Authority aforesaid, That if within the Space of Two Months, the Owner of any such Negro Slave or Runaway cannot be known, or doth not claim the same, that the Sheriff of the said County to whose Custody such Runaway shall be committed, shall cause the said Runaway to be delivered to the next Constable, to be by him delivered to the next Constable, and so from Constable to Constable, to the Public Goal of this Government, after such Manner, and to receive such Punishment, as in this Act is mentioned and directed.*

If his Owner be
not yet known,
Goalor may hire
him out, to pay
his Fees.

XXXI. *AND be it further Enacted, by the Authority aforesaid, That when any Negro or Runaway, as aforesaid, shall be delivered to the Keeper of the Public Goal of this Government, by Virtue of this Act, and his or her Master or Owner cannot be known, it shall and may be lawful for the Keeper of the said Goal, upon his Application to the General Court, or the nearest County Court to the said Goal, or to any Two Justices, out of Court, with the Consent of either of the said Courts, or Two Justices, as aforesaid, to let the said Negro or Runaway to Hire, to any Person or Persons whom they shall approve of, for such Sum or Sums of Money, or Quantity of Commodities, and for such Term or Time, as they shall direct; and that out of the Money or Commodities arising by such Hire, all Fees relating to the taking up, Imprisonment, and conveying to Goal, and Charges of maintaining such Negro or Runaway, shall be first paid and discharged, and the Overplus, if any, disposed of as such Court, who shall order the said Negro or Runaway to let out to Hire, shall direct.*

Owner appear-
ing, Runaway to
be delivered to
him, he paying
Fees.

XXXII. *PROVIDED always, That when the Owner of such Negro or Runaway shall demand the same, the Person to whom such Negro or Runaway shall be let out to Hire, shall forthwith deliver him or her into the Custody of the Keeper of the Public Goal, and shall then also pay the Hire, in Proportion to the Time the said Runaway hath served; and the Keeper of the said Goal shall deliver the said Runaway to his Master or Owner, he or she paying down all Fees and Charges of taking up, Imprisonment, conveying to Goal, and maintaining such Runaway; in Case the Hire of the said Runaway be not sufficient to satisfy the same.*

Runaway Slave
hired out, Goal-
er to put an Iron
Collar on him;
and then not an-
swerable for his
Escape.

XXXIII. *AND be it further Enacted, by the Authority aforesaid, That when the Keeper of the said Public Goal shall, by Direction of such Court as aforesaid, let out any Negro or Runaway to Hire, to any Person or Persons whomsoever, the said Keeper shall, at the Time of his Delivery, cause an Iron Collar to be put on the Neck of such Negro or Runaway, with the Letters P. G. stamped thereon; and that thereafter the said Keeper shall not be answerable for any Escape of the said Negro or Runaway.*

Runaways taken
up, Justice to or-
der them to be
whipped, and
sent from Con-
stable to Consta-
ble home.

XXXIV. *AND be it further Enacted, by the Authority aforesaid, That when any Runaway Servant or Slave shall be brought before any Justice of the Peace within this Government, such Justice shall, by his Warrant, commit the said Runaway to the next Constable, and therein also order him to give the said Runaway so many Lashes as the said Justice shall think fit, not exceeding the Number of*

Thirty

Thirty Nine, well laid on, on the bare Back of such Runaway; and then to be conveyed from Constable to Constable, until the said Runaway shall be carried home, or to the Public Goal, as aforesaid. *A. D. 1741.*

XXXV. *AND be it further Enacted*, That every Constable shall, on his Receipt of such Runaway, give a Receipt for him or her; and that every Constable failing to execute such Warrant, according to the Tenor thereof, or refusing to give such Receipt, shall forfeit and pay Twenty Shillings, Proclamation Money, or the Value thereof in Bills, to the Churchwardens, for the Use of the Parish wherein such Failure shall be; to be recovered by a Warrant under the Hands of any Two Justices within the County where such Constable shall reside: And such Corporal Punishment shall not deprive the Master or Owner of any Runaway Servant of the other Satisfaction herein by this Act appointed to be had of such Servant, for his or her running away.

Constable refusing to convey Runaways, to forfeit 20 s.

XXXVI. *AND be it further Enacted, by the Authority aforesaid*, That if any Sheriff, Under-Sheriff, or Constable, shall set to work, employ, or let out to Hire, without Order of Court as aforesaid, any Runaway Servant or Slave committed to the Custody of any of them, or shall detain such Runaway longer in his or their Custody than by this Act is directed, he or they so offending, shall forfeit and pay Five Pounds, Proclamation Money; to be recovered, in any Court of Record in this Government, by Action of Debt, Bill, Complaint, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, shall be allowed: One Moiety whereof to be paid to the Churchwardens, for the Use of the Parish where the Offence shall be committed, and the other to him or them who shall sue for the same: And if any Sheriff, or his Under-Sheriff, or any Constable, into whose Hands any Runaway Servant or Slave shall be committed, by Virtue of this Act, shall negligently or wilfully suffer such Runaway to escape the said Sheriff, Under-Sheriff, or Constable, he or they shall be liable to the Action of the Party grieved, for Recovery of his Damages, at the Common Law, with Costs.

Sheriff employing any Runaway, or keeping them in Custody longer than this Act directs, to forfeit 5 l.

Sheriff suffering Runaway to escape, liable to the Damage.

XXXVII. *AND be it further Enacted, by the Authority aforesaid*, That all and every the Constables within this Government, for their Encouragement to perform their Duty, be, and they are hereby, for the future, exempted from the Payment of all Public, County, and Parish Levies, for their own Persons, during their Continuance in Office; and that the Keepers of Ferries within this Government, shall give immediate Passage to all Constables, and their Assistants, charged with conducting any Runaway or Runaways, either to the Public Goal, or to such Runaway or Runaways Master or Owner, without charging such Constable, or their Assistants, for the Ferriage, either going or returning: But all such Ferriages of Constables, and their Assistants, shall be paid by the Churchwardens of the Parish where such Ferry-keepers respectively live, and levied, as aforesaid, upon the respective Masters or Owners of such Runaways.

Constables exempted from paying Levies.

Ferry-keepers to give immediate Passage to Constables charged with Runaways.

Such Ferriages to be paid by the Churchwardens.

XXXVIII. *AND be it further Enacted, by the Authority aforesaid*, That from and after the Publication of this Act, the Fees and Allowances of the said Sheriffs and Goalers be as followeth; That is to say, For the Commitment of every such Negro or Runaway to any County Goal, the Sheriff shall be paid, for his Fee, the Sum of Two Shillings and Six Pence, Proclamation Money, and for the keeping or maintaining him or her in Goal, for every Twenty Four Hours, the Sum of Six Pence, and for his or her Release, the Sum of Two Shillings and Six Pence; and that the Keeper of the Public Goal of this Government, for the Commitment of every such Negro or Runaway, shall be paid the Sum of Two Shillings and Six Pence, Proclamation Money, and for his or her keeping in Goal, every Twenty Four Hours, the Sum of Six Pence, Proclamation Money, and for his or her Release, the Sum of Two Shillings and Six Pence, Proclamation Money,

Sheriffs and Goalers's Fees.

A. D. 1741.
Sherif or Goaler
taking greater
Fees, to forfeit
10 s.

Money, and no more: And if any Sheriff, in any County of this Government, or Keeper of the Public Goal, shall demand or take any greater Fee or Allowance than is hereby before appointed and allowed, for the Services and Maintenance aforesaid, or any of them, he or they so offending, shall, for every Offence, forfeit and pay to the Party greived, the Sum of Twenty Shillings, Proclamation Money, and shall also refund and pay back to the Parties, such Sum of Money which such Sheriff or Goaler shall receive and take, over and above the Fees and Allowances herein before appointed; which said Forfeiture of Twenty Shillings, shall and may be recovered by a Warrant from any Justice of the Peace of the County where such Offence shall be committed.

Runaways sup-
posed to belong
to other Govern-
ments, Goaler to
send thither a
Description of
them.

XXXIX. *AND be it further Enacted, by the Authority aforesaid, That when any Negro or other Runaway whose Owner is supposed to be resident in any other Province, shall be committed to any Public Goal of this Government, the Keeper of the said Goal shall, by the first Opportunity after such Commitment, send a Description of such Negro or Runaway, together with the Account of the Time of the Commitment, and the County where such Runaway is committed, to the Press, to be advertised in the Virginia, or South-Carolina Gazette; for which he shall be reimbursed by the Owner of the said Slave or Runaway.*

Slaves not to go
armed.

XL. *AND be it further Enacted, by the Authority aforesaid, That no Slave shall go armed with Gun, Sword, Club, or other Weapon, or shall keep any such Weapon, or shall hunt or range with a Gun in the Woods, upon any Pretence whatsoever, (except such Slave or Slaves who shall have a Certificate, as is herein after provided;) and if any Slave shall be found offending herein, it shall and may be lawful for any Person or Persons to seize and take, to his own Use, such Gun, Sword, or other Weapon, and to apprehend and deliver such Slave to the next Constable, who is enjoined and required, without further Order or Warrant, to give such Slave Twenty Lashes, on his or her bare Back, and to send him or her home; and the Master or Owner of such Slave shall pay to the Taker-up of such armed Slave, the same Reward as by this Act is allowed for taking up of Runaways.*

Offenders may be
taken up, their
Arms took from
them, and they
whipped.

One Slave on a
Plantation ex-
cepted.

XLI. *PROVIDED always, That nothing in this Act shall be construed or extended, to prohibit or debar any Master or Owner of any Slave or Slaves within this Government, from employing any one Slave in each and every distinct Plantation, from hunting in the Woods on their Master's Lands with a Gun, to preserve his or her Stock, or to kill Game for his or her Family.*

Such Slave to car-
ry a Certificate.

XLII. *PROVIDED also, That such Master or Owner shall first deliver in- to the County Court, an Account, in Writing, of the Name of any such Slave to be employed as aforesaid; and the Chairman of the Court shall sign a Certificate that such Slave is allowed to carry a Gun, and hunt in the Woods on his Master or Mistress's Lands: And the Master, Mistress, or Overseer of such Slave shall give him the said Certificate, which such Slave shall always carry about him, on Pain of being apprehended and punished as aforesaid: Any Thing herein before contained to the contrary, notwithstanding.*

Slaves not to go
off the Plantation
without Leave,
(Livery Slaves
excepted.)

XLIII. *AND be it further Enacted, by the Authority aforesaid, That no Slave shall go from off the Plantation or Seat of Land where such Slave shall be appointed to live, without a Certificate of Leave, in Writing, for so doing, from his or her Master or Overseer, (Negroes wearing Liveries always excepted.)*

Slaves not to raise
Stock.

XLIV. *AND be it further Enacted, by the Authority aforesaid, That no Slave shall be permitted, on any Pretence whatsoever, to raise any Horses, Cattle, or Hogs; and all Horses, Cattle, and Hogs, that, Six Months from the Date here-
of*

of, shall belong to any Slave, or of any Slave's Mark in this Government, shall be seized, and sold by the Churchwardens of the Parish where such Horses, Cattle, or Hogs shall be, and the Profit thereof be applied, one Half to the Use of the said Parish, and the other Half to the Informer.

A. D. 1741.

XLV. AND whereas many Times Slaves run away, and lie out hid and lurking in Swamps, Woods, and other obscure Places, killing Cattle and Hogs, and committing other Injuries to the Inhabitants of this Government: *Be it therefore Enacted, by the Authority aforesaid,* That in all such Cases, upon Intelligence of any Slave or Slaves lying out as aforesaid, any Two Justices of the Peace for the County wherein such Slave or Slaves is or are supposed to lurk or do Mischief, shall, and they are hereby impowered and required, to issue Proclamation against such Slave or Slaves, (reciting his or their Name or Names, and the Name or Names of the Owner or Owners, if known,) thereby requiring him or them, and every of them, forthwith to surrender him or themselves; and also, to impower and require the Sheriff of the said County to take such Power with him as he shall think fit and necessary, for going in Search and Pursuit of, and effectual apprehending such outlying Slave or Slaves; which Proclamation shall be published on a Sabbath Day, at the Door of every Church or Chappel, or for Want of such, at the Place where Divine Service shall be performed in the said County, by the Parish Clerk, or Reader, immediately after Divine Service: And if any Slave or Slaves against whom Proclamation hath been thus issued, stay out and do not immediately return home, it shall be lawful for any Person or Persons whatsoever, to kill and destroy such Slave or Slaves, by such Ways and Means as he or she shall think fit, without Accusation or Impeachment of any Crime for the same.

Runaway Slaves may be out-lawed.

XLVI. *PROVIDED always, and it is further Enacted,* That for every Slave killed in Pursuance of this Act, or put to Death by Law, the Master or Owner of such Slave shall be paid by the Public; and all Tryals of Slaves for Capital and other Crimes, shall be in the Manner, and according as herein after is directed.

Out-lawed Slave killed, to be paid for by the Public.

XLVII. *AND be it further Enacted, by the Authority aforesaid,* That if any Number of Negroes or other Slaves, that is to say, Three, or more, shall, at any Time hereafter, consult, advise, or conspire to rebel, or make Insurrection, or shall plot or conspire the Murder of any Person or Persons whatsoever, every such consulting, plotting, or conspiring, shall be adjudged and deemed Felony; and the Slave or Slaves convicted thereof, in Manner herein after directed, shall suffer Death.

Conspiracy of any three or more Slaves, adjudged Felony.

XLVIII. *AND be it further Enacted, by the Authority aforesaid,* That every Slave committing such Offence, or any other Crime or Misdemeanor, shall forthwith be committed, by any Justice of the Peace, to the Common Goal of the County within which the said Offence shall be committed, there to be safely kept; and that the Sheriff of such County, upon such Commitment, shall forthwith certify the same to any Justice in the Commission for the said Court, for the Time being, resident in the County, who is thereupon required and directed to issue a Summons for Two or more Justices of the said Court, and Four Freeholders, such as shall have Slaves in the said County; which said Three Justices, and Four Freeholders, Owners of Slaves, are hereby impowered and required, upon Oath, to try all Manner of Crimes and Offences that shall be committed by any Slave or Slaves, at the Court-house of the County, and to take for Evidence, the Confession of the Offender, the Oath of one or more credible Witnesses, or such Testimony of Negroes, Mulattoes, or *Indians*, bond or free, with pregnant Circumstances, as to them shall seem convincing, without the Solemnity of a Jury; and the Offender being then found guilty, to pass such Judgment upon such Offender, according

Manner of trying Slaves.

A. D. 1741.

cording to their Discretion, as the Nature of the Crime or Offence shall require; and on such Judgment, to award Execution.

All Justices may sit on any Negro's Tryal.

XLIX. *PROVIDED* always, and be it *Enacted*, That it shall and may be lawful for each and every Justice, being in the Commission of the Peace for the County where any Slave or Slaves shall be tried, by Virtue of this Act, (who is Owner of Slaves,) to set upon such Tryal, and act as a Member of such Court, tho' he or they be not summoned thereto: Any Thing herein before contained to the contrary, in any-wise, notwithstanding.

Negroes giving false Testimony, to have their Ears cut off.

L. AND to the End such Negro, Mulatto, or *Indian*, bond or free, not being Christians, as shall hereafter be produced as an Evidence on the Tryal of any Slave or Slaves for Capital or other Crimes, may be under the greater Obligation to declare the Truth; *Be it further Enacted*, That where any such Negro, Mulatto, or *Indian*, bond or free, shall, upon due Proof made, or pregnant Circumstances, appearing before any County Court within this Government, be found to have given a false Testimony, every such Offender shall, without further Tryal, be ordered, by the said Court, to have one Ear nailed to the Pillory, and there stand for the Space of One Hour, and the said Ear to be cut off, and thereafter the other Ear nailed in like Manner, and cut off, at the Expiration of one other Hour; and moreover, to order every such Offender Thirty Nine Lashes, well laid on, on his or her bare Back, at the common whipping Post.

Chairman of the Court to caution every Slave giving Testimony.

LI. *AND be it further Enacted, by the Authority aforesaid*, That at every such Tryal of Slaves committing Capital or other Offences, the first Person in Commission setting on such Tryal, shall, before the Examination of every Negro, Mulatto, or *Indian*, not being a Christian, charge such to declare the Truth.

Owner of Slave may appear, and make Defence for him.

LII. *PROVIDED* always, and it is hereby intended, That the Master, Owner, or Overseer of any Slave, to be arraigned and tryed by Virtue of this Act, may appear at the Tryal, and make what just Defence he can for such Slave or Slaves; so that such Defence do not relate to any Formality in the proceeding on the Tryal.

Slave convicted, Court to value him, and certify it to the Assembly, that they may pay for him.

LIII. *AND be it further Enacted, by the Authority aforesaid*, That when any Slave shall be convicted Capitally by Virtue of this Act, the Justices and Freeholders that shall sit on such Tryals, shall put a Valuation, in Proclamation Money, upon such Slave so convicted, and certify, under their Hands and Seals, such Valuation to the next Assembly; that the said Assembly may make suitable Allowance thereupon, to the Master or Owner of such Slave.

Slave killed in dispersing Conspirators, seizing Arms, taking up Runaways, or Correction by the Court's Order, to be paid for by the Public.

LIV. *AND be it further Enacted, by the Authority aforesaid*, That if in the dispersing any unlawful Assemblies of rebel Slaves or Conspirators, or seizing the Arms and Ammunition of such as are prohibited by this Act to keep the same, or in apprehending Runaways, or in Correction by Order of the County Court, any Slave shall happen to be killed or destroyed, the Court of the County where such Slave shall be killed, upon Application of the Owner of such Slave, and due Proof thereof made, shall put a Valuation, in Proclamation Money, upon such Slave so killed, and certify such Valuation to the next Session of Assembly; that the said Assembly may make suitable Allowance thereupon, to the Master or Owner of such Slave.

Other Persons killing Slaves, Owner may have his Action against them.

LV. *PROVIDED* always, and be it further *Enacted*, That nothing herein contained, shall be construed, deemed, or taken, to defeat or bar the Action of any Person or Persons, whose Slave or Slaves shall happen to be killed by any other Person whosoever, contrary to the Directions and true Intent and Meaning of this Act;

Act; but that all and every Owner or Owners of such Slave or Slaves, shall and may bring his, her, or their Action, for Recovery of Damages for such Slave or Slaves so killed. A. D. 1741.

LVI. *AND be it further Enacted, by the Authority aforesaid,* That no Negro or Mulatto Slaves shall be set free, upon any Pretence whatsoever, except for meritorious Services, to be adjudged and allowed of by the County Court, and Licence thereupon first had and obtained: And that where any Slave shall be set free by his or her Master or Owner, otherwise than is herein before directed, it shall and may be lawful for the Churchwardens of the Parish wherein such Negro, Mulatto, or *Indian*, shall be found, at the Expiration of Six Months, next after his or her being set free, and they are hereby authorized and required, to take up and sell the said Negro, Mulatto, or *Indian*, as a Slave, at the next Court to be held for the said County, at Public Vendue; and the Monies arising by such Sale, shall be applied to the Use of the Parish, by the Vestry thereof: And if any Negro, Mulatto, or *Indian* Slave, set free otherwise than is herein directed, shall depart this Province, within Six Months next after his or her Freedom, and shall afterwards return into this Government, it shall and may be lawful for the Churchwardens of the Parish where such Negro or Mulatto shall be found, at the Expiration of one Month, next after his or her Return into this Government, to take up such Negro or Mulatto, and sell him or them, as Slaves, at the next Court to be held for the County, at Public Vendue; and the Monies arising thereby, to be applied, by the Vestry, to the Use of the Parish, as aforesaid.

LVII. *AND be it further Enacted, by the Authority aforesaid,* That until this Act shall be printed, it shall be publicly read, Yearly, and every Year, Two several Times in the Year, in every County within this Government, by the Clerk of each County, in open Court; that is to say, at the Courts in or next to the Months of *April*, and *September*; under the Penalty of Twenty Shillings, Proclamation Money, for every such Omission and Neglect; to be levied by a Warrant from any Justice of the Peace, and applied to the Use of the Parish where the Offence shall be committed: And the Churchwardens of every Parish are hereby required to provide a Copy of this Act, at the Charge of the Parish.

LVIII. *AND be it further Enacted, by the Authority aforesaid,* That all and every other Act and Acts, and every Clause and Article thereof heretofore made, so far as relate to Servants and Slaves, or to any other Matter or Thing whatsoever, within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

S I G N E D by

GABRIEL JOHNSTON, Esq; Governor.

William Smith, President.

JOHN HODGSON, Speaker.

STONED BY
CAPTAIN JOHNSTON, His Government
WILLIAM SMITH, President
JOHN HOBSON, Speaker



Anno Regni

GEORGE II,

Regis, *Magnæ Britanniae, Franciæ, &
Hiberniæ*, Decimo Quinto.

At a General ASSEMBLY, held at *Wilmington*, in the Year of our Lord One Thousand Seven Hundred and Forty One. GABRIEL
JOHNSTON,
Esq; Governor.

CHAP. I.

An Act, for erecting the upper Part of Bertie County into a County, by the Name of Northampton County; and for regulating the Limits between Society Parish, and the Northwest Parish of Bertie; and for removing the Seat of Bertie County Court.

I. **W**HEREAS the County of *Bertie* is very extensive, and its Inhabitants more numerous than any County in this Province; which renders the Public Business of the said County very difficult to be transacted: For Remedy whereof, Preamble.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That that Part of *Bertie* County which lieth North and West of *Sandy Run*, and in a direct Line from the Head of the said Run, to the Head of the *Beaver-Dam* Swamp, and down the said Swamp and *Meherrin* Creek and River, be, and is hereby erected into a County, by the Name of *Northampton* County; and that the said Bounds shall, henceforward, be the Limits between *Society* Parish, and the *Northwest* Parish of *Bertie*. Northampton
County erected.

III. *AND be it further Enacted, by the Authority aforesaid,* That from and after the passing of this Act, the said County of *Northampton* shall be invested with as full and ample Powers, Privileges, Advantages, and Immunities, as any other County in this Province; saving only, that the said County shall send to all Assem- Invested with all
Powers.

A. D. 1741. Assemblies, after the Dissolution of this present Assembly, Two Representatives, and no more.

Bertie County to send 3 Representatives.

IV. *AND be it further Enacted, by the Authority aforesaid, That Bertie County shall, in all future General Assemblies which shall be held after the Dissolution of the present Assembly, choose, and send to the General Assembly, Three Representatives, and no more.*

Present Representatives of Bertie to continue, during this Assen.

V. *AND be it further Enacted, by the Authority aforesaid, That the present Representatives who have been sent by Bertie County, shall, for and during the Continuance of this present General Assembly, sit and vote as the Representatives of Bertie and Northampton Counties.*

Courts when held.

VI. *AND be it further Enacted, by the Authority aforesaid, That the Court of the said County of Northampton shall be holden on the Fourth Tuesdays of the Months of November, February, May, and August, Annually: Which said Court, at their first Term or Session, shall recommend to his Excellency the Governor, proper Persons to execute the respective Offices of Clerk and Sheriff of the said County, according to Law.*

Court to erect a Court-house, &c.

VII. *AND be it further Enacted, by the Authority aforesaid, That the said Court shall, at the Charge of the said County, in their first or second Term or Session, make Orders and Rules, agreeable to the Laws of this Province, for erecting a sufficient Court-house, Prison, and Stocks, near the upper Pottakasey Bridges, as the said Court shall seem necessary.*

Bertie Court to erect Court-house, &c.

VIII. *AND be it further Enacted, by the Authority aforesaid, That the Court of Bertie County shall, at the Charge of their County, on the first or second Term or Session, next after the passing this Act, make Orders and Rules for erecting a sufficient Court-house, Prison, and Stocks, at such Place as to them shall seem most convenient; and the Levy lately laid by the Court of Bertie, for building a Goal, shall be appropriated for the Uses aforesaid, in the County in which the Tithables are resident; and the County of Northampton shall pay a Proportion of County Taxes with Bertie, to be laid to discharge all Arrears which the said County of Bertie is now in, for building their several Warehouses, and paying the Wages of their several Inspectors, and of running the said Line: And that the Levy on the Northwest Parish of Bertie, already laid, shall be paid and accounted for to their Vestry.*

Proceedings of Bertie Court to be valid.

IX. *PROVIDED always, That nothing in this Act shall be construed, to extend to alter or vacate any Judgment or Judgments already had or obtained, or any Suit already commenced in the Court of Bertie County; but that the said Court may proceed, as usual, to Judgment, and Execution thereon.*

CHAP. II.

Rep. by Act. April 20, 1745. Chap. 4.

An Act, to establish Ports, or Places of Delivery of Merchandizes imported in, and exported out of this Province; and to prevent the clandestine running of uncustomed and prohibited Goods, in the several Ports thereof.

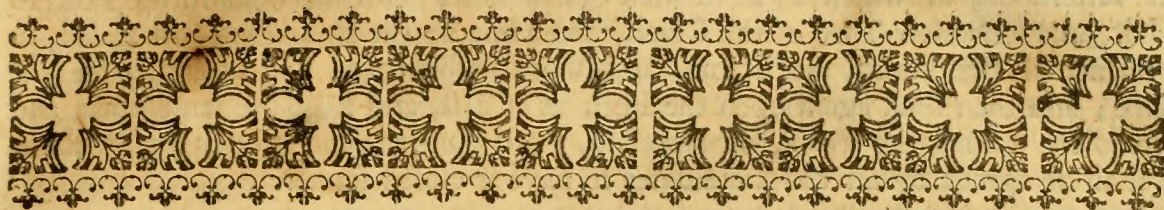
SIGNED by

GABRIEL JOHNSTON, Esq; Governor.

Nathaniel Rice, President.

JOHN HODGSON, Speaker.

Anno



Anno Regni

GEORGE II,

Regis, *Magnæ Britanniae, Franciæ, & Hiberniæ*, Decimo Septimo.

At a General ASSEMBLY, held at *Edenton*, the Second Day of *April*, in the Year of our Lord One Thousand Seven Hundred and Forty Three.

GABRIEL
JOHNSTON,
Esq; Governor.

CHAP. I.

An Act, to regulate Elections for Members to serve in General Assembly for the several Counties, to declare who shall be qualified to vote in the said Elections, or be elected a Member of the General Assembly for any of the said Counties, and to direct the Method to be observed in taking the Poll at the several Elections in the Counties and Towns in this Province.

I. **B**E it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That from and after the Ratification of this Act, the Sherifs of the several and respective Counties in this Province, shall, at all Elections hereafter to be made in their several and respective Counties, for Members to sit in General Assembly, take the Votes of the Freeholders, qualified to vote, in Manner following; that is to say, Each and every Sheriff of the several Counties shall, at the Day appointed for choosing Members of Assembly, come to the Place by Law appointed for holding such Election in his County, provided with a small Box, with a Lid or Cover, having a Hole in it, not exceeding Half an Inch in Diameter; which said Cover shall be sealed and secured on the Box, in the Presence of the Inspectors chosen, as in this Act is hereafter directed, to see the Poll fairly and impartially taken; which being done, the Sheriff shall, at or before Ten of the Clock in the Forenoon, open the Poll, by making Proclamation Three Times, for such Persons as are qualified to vote, to come and give in their Votes, by Ballot; and after the Poll is so opened,

Manner of taking the Poll at Elections.

A. D. 1743.

the Sheriff shall attend the same, and keep the Poll open til One of the Clock in the Afternoon, at which Time it shall be lawful for him to adjourn the Poll to Half an Hour after Two of the Clock, the Hole in the Box being first sealed, in Presence of the Sheriff, Inspectors, and such Candidates as will attend to see the same; and then shall again open the Poll, as at first, and keep the same open, and attend the taking the Votes, as aforesaid, until Sun-set, and no longer, without it shall be agreed by all the Candidates to have it closed sooner.

Freeholders how
to give their
Votes,

Poll how to be
closed,

Sheriff to return
the Candidates
having most
Votes.

II. *AND be it further Enacted, by the Authority aforesaid,* That every Person qualified to vote, shall give to the Sheriff, in Presence of the Inspectors, a Scroll of Paper, rolled up, with the Name or Names of the Person or Persons he votes for, written therein; which Scroll shall be immediately, by the Sheriff, put into the Box, in the Presence of the Inspectors, and at the same Time the Sheriff, and also each of the Inspectors, shall take a List, in Writing, of the Person's Name so voting: And when every Person attending at the Place of Election, shall have voted, as before mentioned, or that the Sun shall be set, the Sheriff shall conclude the Poll, and, in the Presence of the Inspectors, and such of the Candidates as will attend, open the Box, and take out the Scrolls, One by One, and read the Name or Names of the Candidate or Candidates written in each Scroll, and an exact Account shall be taken, by each Inspector, from the said Scrolls, of the Number of Votes for each Candidate; and if there shall be Two Scrolls rolled together and put into the Box in the Room or Place of one, or if any Scroll contains the Names of more Candidates than shall be lawful for the County to choose, such Scroll or Scrolls shall be cast away, as useless and void: And when the Votes have been all taken out and examined, as aforesaid, whatsoever Candidate or Candidates shall appear to have most Votes, the Sheriff or Under-Sheriff shall return him or them Burgefs or Burgeffes; or if Two or more Candidates shall have an equal Number of Votes, the Sheriff or Under-Sheriff, being a Freeholder, shall and may return which of them he thinks fit; in which Case only, the said Sheriff, or Under-Sheriff, is allowed to vote.

Inspectors to be
nominated by the
Candidates, or
Sheriff.
Freeholder to
take an Oath,

III. *AND be it further Enacted, by the Authority aforesaid,* That the Inspectors aforesaid shall be nominated and appointed by the Candidates; but in Case of the Neglect or Refusal of the Candidates, the Sheriff, or Under-Sheriff of the County, shall nominate and appoint the said Inspectors: And every Freeholder, before he is admitted to Poll, or give in his Vote, as aforesaid, at any such Election, if it be required by the Candidates, or any of them, or any other Freeholder in their Behalf, shall take the following Oath; (which Oath the Sheriff or Under-Sheriff is hereby impowered and directed to administer,) *to wit,*

Oath,

YOU shall swear, *That you have been possessed of a Freehold, of Fifty Acres of Land, for Three Months past, in your own Right, in the County of and have been Six Months an Inhabitant of this Province; and that you have not given in your Vote before in this Election.*

So help you God.

Who to be ac-
counted Free-
holders.

IV. *AND for the Prevention of Disputes which may hereafter arise in Election of Burgeffes, concerning who shall be understood to be a Freeholder; Be it Enacted, by the Authority aforesaid,* That every Person who hath an Estate, Real, for his own Life, or the Life of another, or any Estate of greater Dignity, of a sufficient Number of Acres, in the County which by this Law enables him to vote, or be a Candidate for such County, shall be accounted a Freeholder, within the Meaning of this Act.

No Person to
vote, unless he

V. *AND be it further Enacted, by the Authority aforesaid,* That no Person hereafter, shall be admitted to give his Vote in any Election of Burgeffes, in any County

County within this Province, unless he hath been an Inhabitant of this Province Six Months, and hath been possessed of a Freehold, within the Meaning of this Act, of Fifty Acres of Land, at least Three Months before he offers to give his Vote, and is also of the full Age of Twenty One Years: And that hereafter no Person shall be deemed qualified or admitted to sit and vote in the General Assembly, unless he hath been One full Year an Inhabitant of this Province, and possessed of a Freehold, within the Meaning of this Act, of at least One Hundred Acres of Land, in the County where he shall be elected or chosen, and is also of the full Age of Twenty One Years, at the Time he is chosen.

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hath been an Inhabitant 6 Mon. and possessed of 50 Acres of Land 3 Months before, and of 21 Years of Age. No Person to be elected a Burgess, unless qualified as herein mentioned.

VI. *AND be it further Enacted, by the Authority aforesaid,* That after the Publication of Writs, and Time and Place for Election of Burgesses, as aforesaid, every Freeholder, within the Intent and Meaning of this Act, within the County where the Election is to be made, respectively, may appear accordingly, and give his Vote, by Ballot, at such Election: And if any Person shall give his Vote at any Election who is not a Freeholder, within the Meaning of this Act, or shall vote twice at the same Election, such Person shall forfeit and pay the Sum of Five Pounds, Proclamation Money, to him or them that will inform or sue for the same; to be recovered, with Costs of Suit, in any Court of Record in this Province, by Bill, Complaint, or Information, or Action of Debt, wherein no Essoign, Protection, Privilege, or Injunction, shall be allowed of.

All Freeholders to appear, and vote.

Penalty on those voting not Freeholders, or those who vote twice.

VII. *AND be it further Enacted, by the Authority aforesaid,* That where any Suit shall be brought against any Person for voting, not being a Freeholder, the *Onus Probandi* shall lie on the Defendant.

Suit brought, *Onus Probandi* to lie on the Defendant.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That no Person or Persons, hereafter to be elected to serve in the General Assembly for any County or Town within this Province, after the Test, or issuing or ordering of the Writ or Writs of Election, shall or do, by himself or themselves, or by any other Ways or Means, in his or their Behalf, or at his or their Charge, before his or their Election to serve in General Assembly for any County or Town within this Province, either directly or indirectly, give, present, or allow, to any Person or Persons having Voice or Vote in such Election, any Money, Gift, Reward, or Present, or make any Promise to do the same, to or for him or themselves, or for any such Person or Persons in particular, or to any such County or Town in General, in Order to be elected to serve in the General Assembly for any such County or Town; and that all and ever Person or Persons so offending, and being guilty herein, after Proof thereof made to the House, shall be disabled and incapacitated, upon such Election, to serve in the General Assembly for such County or Town, during the Continuance of that Assembly.

Candidates not to give any Reward to Voters, on Penalty of Disability to sit as a Burgess.

IX. *AND be it further Enacted,* That if at any Time any Candidate, or other Person in his Behalf, shall desire a Copy of the Poll, the Sheriff or Under-Sheriff, who Manages the Election, as soon as may be, shall cause a fair Copy thereof to be made, and shall deliver it, attested with his own Hand, unto such Candidate or other Person as shall require the same, as aforesaid.

Candidate desiring a Copy of the Poll, Sheriff to deliver it.

X. *AND be it further Enacted, by the Authority aforesaid,* That if the Sheriff of any County, or in his Absence, the Under-Sheriff, shall refuse to take the Poll, or shall take it in any other Manner than is herein directed, or shall refuse or neglect to give a Copy of the Poll, as aforesaid, or shall not regularly, and in Time, return the Writ of Election, or shall make a false Return thereof, every such Sheriff or Under-Sheriff, as aforesaid, offending herein, or in any of these Cases respectively, shall forfeit and pay the Sum of Fifty Pounds, Proclamation Money; one Moiety to his Majesty, his Heirs and Successors, for and towards defraying the contingent Charges

Sheriff refusing to take the Poll, or to act according to this Law, to forfeit 50 l.

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Charges of this Government, and the other Moiety thereof to him or them that will inform and sue for the same; to be recovered, with Costs, in the General Court of this Province, by Action of Debt, Bill, Complaint, or Information, in which no Essoign, Protection, Injunction, Privilege, or Wager of Law, shall be allowed.

Elections for
Towns to be in
the same Manner
of Counties.

XI. *AND be it further Enacted, by the Authority aforesaid,* That hereafter, the Election in the several Towns in this Province of a Burgeſs, to ſit in General Aſſembly, ſhall be by Ballot, in the ſame Manner as is directed for the ſeveral Counties in the ſame.

Repealing Clause.

XII. *AND be it further Enacted,* That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, ſo far as relate to the Regulating Elections of Burgeſſes for the ſeveral Counties in this Province, or the Method of taking the Poll in the ſeveral Towns thereof, for a Burgeſs, to ſit and vote in General Aſſembly, is and are hereby repealed and made void, to all Intents and Purpoſes, as if the ſame had never been made.

CHAP. II.

An Act, for obtaining an exact Liſt of Taxables, and for the effectual collecting as well all Arrears of Taxes, as all other Taxes, for the future due and payable.

Preamble.

I. **W**HEREAS it appears, by the Liſts of Taxables delivered in by the Sheriffs and other Officers, from the ſeveral and reſpective Counties of this Province, as well as by many Informations by the ſaid Officers, and other Inhabitants of this Province, that a full and compleat Liſt has never yet been obtained, by any Laws now in Force: And whereas the equal Payment of Taxes is of great Conſequence: Therefore,

Persons to be
ſummoned to
give in a Liſt of
their Tithables.

II. *WE pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnſton, Eſq; Governor, by and with the Advice and Conſent of his Maſteſty's Council, and General Aſſembly of this Province, and it is hereby Enacted, by the Authority of the ſame,* That from and after the paſſing of this Act, the obtaining of ſuch Liſt ſhall be in the following Manner, any Law, Uſuage, or Cuſtom, to the contrary, notwithstanding; that is to ſay, That the Juſtices of each County ſhall, at the next Court to be held for their reſpective Counties after the firſt Day of *May* next, and ſo Yearly, iſſue their Warrant, ſigned by the Chairman, directed to the Conſtable in each and every Diſtrict in the reſpective Counties, authorizing and commanding him to go from Houſe to Houſe, in his Diſtrict, and ſummon the Maſter or Miſtreſs of every Family, or the Overſeer of every Plantation, of which there is no Maſter or Miſtreſs, within his Diſtrict, to appear, and they are hereby required to appear, before the then next Court to be held for the County, or before ſome Juſtice for that County, preceeding the Time of holding the then next Court, and there to give in, upon Oath, a Liſt, in Writing, of all the Taxables in his or her Family, as a Maſter or Miſtreſs, or under his Care, as an Overſeer; and the Conſtable ſhall likewiſe give in a Liſt, upon Oath, to the ſaid County Court, of all ſuch Perſons ſo warned, and the ſaid Liſt ſhall contain all the Maſters and Miſtreſſes of Families, and Overſeers of Plantations, within his Diſtrict.

Conſtable to give
in a Liſt of thoſe
he hath warned.

Conſtable neg-
lecting to ſum-
mon, or to re-
turn ſuch Liſt,

III. *AND be it further Enacted, by the Authority aforesaid,* That each Conſtable neglecting to ſummon the Maſter, Miſtreſs, or Overſeer, as aforesaid, or neglecting to return ſuch Liſt, as is herein before directed, ſhall forfeit and pay
Forty

Forty Shillings, Proclamation Money, for each and every Neglect; and the Masters, Mistresses, or Overseers, being summoned, and neglecting to appear and give in a List of their Taxables as aforesaid, on or before the last Day of Court hereby appointed for that Purpose, shall forfeit Forty Shillings, Proclamation Money, over and above Twenty Shillings, like Money, for every Month he or she shall be a Delinquent, after the last Day of the Court, as aforesaid.

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to forfeit 40 s.
Master, &c. be-
ing summoned,
neglecting to give
in his List, to
forfeit 40 s. and
20 s. for every
Month's Neg-
lect.

IV. *AND be it further Enacted*, That every Justice to whom any such List of Taxables shall be given, pursuant to this Act, shall return the same to the Clerk, on or before the Time of holding the Court to which the said Lists are hereby returnable; under the Penalty of Five Pounds, Proclamation Money.

Justices to return
the Lists to the
Clerk, on Pen.
of 5 l.

V. *AND be it further Enacted, by the Authority aforesaid*, That all the Penalties of this Act, the Recovery and Application of which is not otherwise directed, shall be recovered, in any Court of Record, by Action of Debt, Bill, Plaint, or Information, or by a Warrant before one or Two Justices of the Peace, according as the same may be cognizable; and applied, one Half to the Informer, and the other Half to be paid to the Justices, for the Use of the County where the same is recovered.

Penalties how to
be recovered and
applied.

VI. *AND to the End that all Arrears of Taxes may be collected, Be it Enacted, by the Authority aforesaid*, That every present, as well as former Sheriffs, of each and every County in this Province, who hath not fully collected the several and respective Taxes which, by Law, he ought to have collected for several Years last past, shall make a true and exact List of all the Persons within his County from whom he hath received any Tax, the Number of Tythables, and the Money received, and for what Year particularly, and make Oath, before some Magistrate of the County, that the said List or Accompt is true and just, and shall deliver the same to the Sheriff then next succeeding after the Ratification of this Act, on or before the first Day of *July* next, under the Penalty of Forty Pounds, Proclamation Money; to be recovered, by Action of Debt, Bill, Plaint, or Information, in the General Court of this Province, wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of, by the Sheriff to whom such List is to be delivered; or in Default of the Sheriff prosecuting the same in Two Months after the said first Day of *July*, by any Person who will sue for the same: One Half of such Forfeitures to be to such Sheriff, or such Person who sues for the same, and the other Half to and for the contingent Charges of the County.

Sherifs who hath
not collected all
the Taxes, to
give succeeding
Sherifs an Accot.
thereof, on Pen.
of 40 l.

Succeeding Sher-
riff neglecting to
sue for it in two
Months, any o-
ther Person may.

VII. *AND be it further Enacted, by the Authority aforesaid*, That the several Sheriffs, in their several Counties, shall have Power to collect all Arrears of Taxes, due for the several Years last past, from any Persons whosoever, immediately after passing of this Act, and until the first Day of *December* then next following; and shall put up Notice, from Time to Time, at what convenient Place, and when they will attend, for such Persons to bring their Taxes then in Arrear and due; and on Refusal or Neglect of any Person or Persons to pay the same, at the Times and Places appointed, the said Sheriffs, and every of them, within their respective Counties, shall make Distress, for such Levies in Arrear, on such Person or Persons so refusing or neglecting, at any Time on or before the said first Day of *December* next; and for each particular Distress, each Sheriff shall be severally allowed Two Shillings and Eight Pence, Proclamation Money, to be paid by the Party on whom such Distress shall be made.

Sheriff to collect
Arrears of Taxes
till Dec. 1.

Persons neglect-
ing to pay, Sher-
riff to make
Distress; his Fee
2 s. 8 d.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That each respective Sheriff shall accompt, on Oath, for such Arrears of Taxes as he shall receive, with such Person or Persons as by the Laws of this Province he ought, on

Sheriff to account
before Jan. 1, &c
make good Dist-

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 deficiencies, on Pen.
 of 50 l.

or before the first Day of *January* next, and make good Deficiencies, under the Penalty of Fifty Pounds, Proclamation Money; to be recovered, in the General Court of this Province, by Action of Debt, Bill, Complaint, or Information, by the Treasurer, or other Person to whom such Sheriff ought to have accounted and paid the same: One Half to such Treasurer, or other Person to whom the Money arising by such Tax was payable by the said Sheriff, and the other Half to be applied, by the said Treasurer, or other Person, to the Use such Tax was intended.

Sheriff not oblig-
 ed to account til
 1st of *June*.

IX. *AND be it further Enacted, by the Authority aforesaid, That no Sheriff shall be obliged to account for any Taxes, for the future due and collected by him, with any Person or Persons to whom, by Law, he is accountable, until the first Day of June, Yearly, and then next immediately following the Time of his Attendance at the Warehouses in his County, to receive such Taxes; when he shall accompt with, and pay to the Persons he is or shall be by Law required, the Taxes due for every Tithable in his County, in Manner aforesaid.*

Sheriff to make
 Distress at any
 Time within two
 Years.

X. *AND for the Encouragement of Sheriffs to do their Duty, and to reimburse them in Case they shall not have fully collected the several Taxes in their respective Counties by the said first Day of June, Yearly, the said Sheriffs respectively, in their several Counties, shall have Power to make Distress for such Taxes as shall not be paid, in Manner as is herein before directed, from the Expiration of the Time of their Attendance at the Warehouses, for and during, and until the full End and Term of Two Years, then next following, whether their Commission, or Appointments as Sheriff, shall be determined or not, or for a shorter Time, until they have received the Taxes from each respective Tithable in their Counties; and the said Sheriff shall receive Six per Cent. as well for collecting all Arrears of Taxes, as all other Taxes, for the future due and payable; any Law, Usage, or Custom, to the contrary, notwithstanding.*

No double Dis-
 tress to be made.

XI. *AND be it further Enacted, by the Authority aforesaid, That for the future, no double Distress shall be made, for Non-Payment of Taxes; any Law, Usage, or Custom, to the contrary, notwithstanding.*

Repealing Clause.

XII. *AND be it also further Enacted, That every Clause, Matter, or Thing, contained in any Act or Acts heretofore made, so far as relate to any Matter or Thing herein contained, and not by this Act referred to, shall be repealed, and made null and void, to all Intents and Purposes whatsoever.*

C H A P. III.

An Act, to impower the Justices of Beaufort County, to build Two substantial Warehouses, at the Places hereafter mentioned, in the said County, for the Use and Conveniency of the Inhabitants paying their Taxes and Levies.

Preamble.

I. **W** H E R E A S the County of *Beaufort* being so large and extensive, that one Warehouse is not sufficient nor convenient for the said County to bring their Commodities to, in Discharge of Levies and Taxes:

Justices to lay a
 Levy, for build-

II. *WE therefore pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the Justices shall, at the Second Court*
 to

to be held for the said County, after the Ratification of this Act, lay a Levy upon the Inhabitants of the said County, not exceeding Six Pence, Proclamation Money, *per* Tithable, for defraying the building or hiring Two substantial Warehouses, at the several Places hereafter mentioned, within the County, for the safe keeping of all Commodities paid in Discharge of Levies and Taxes already laid, and hereafter to be laid : And in Case the said Justices shall refuse or neglect so to do, each Justice so refusing or neglecting, shall forfeit and pay the Sum of Five Pounds, Proclamation Money ; to be recovered, in any Court of Record in this Province, by Action of Debt, Bill, Plaint, or Information, by him or them who will sue for the same ; to be applied, one Half to such Prosecutor, and the other Half towards building the said Warehouses : One of which Warehouses shall be built at *Bath-Town*, and the other at the *Red Banks*.

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ing two Warehouses.

If they neglect, to forfeit 5 l.

III. A N D whereas the present Warehouse at *Core-Point*, is found to be very inconvenient to the Inhabitants of the said County ; *It is therefore further Enacted*, That the Justices of the said County of *Beaufort* shall, and they are hereby impowered, to take, sell, or carry away, all or any Part of the said Warehouse, and apply the same to the Use of building the afore-mentioned Warehouses, at *Bath-Town*, and the *Red Banks*.

Justices may sell the Warehouse at *Core-Point*.

IV. A N D be it further Enacted, by the Authority aforesaid, That the Inspectors already appointed by the Court, or who shall hereafter be appointed, shall attend at the said Warehouses, and no other Places ; and be under the same Restrictions as is directed by an Act, intituled, *An Act, for granting an Aid to his Majesty, and other Purposes therein mentioned*.

Inspectors to attend at these two Warehouses.

C H A P. IV.

An Act, to ascertain what Attornies Fees shall be taxed and allowed, in any Suit or Action, brought in any of the Courts of Record in this Province.

I. **W** H E R E A S there is no Fee, by Law, allowed to be taxed in any Bill of Costs, sufficient to compensate any Attorney for his Trouble, for prosecuting or defending any Suit or Cause, in any of the Courts of this Province: Preamble.

II. *BE it therefore Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same*, That from and after the Ratification of this Act, the several and respective Attornies Fees herein after mentioned, shall be taxed and allowed in the Courts following ; that is to say, In the General Court, on any Action brought, or Suit commenced there, or by Petition, Thirty Shillings, Proclamation Money : In the County Courts, on any Action brought, or Suit commenced there, or by Petition, Fifteen Shillings, Proclamation Money. Attornies Fees.

III. A N D to the End that such Fees be received and paid to whom the same shall be due, *Be it Enacted, by the Authority aforesaid*, That upon Dismission of any Suit, Verdict for the Plaintiff or Defendant, or that the Plaintiff shall become Non-Suit, or the Suit otherwise discontinued, the Clerk of each and every of the said several and respective Courts, shall insert an Attorney's Fee in the Bill of Costs taxed in the said Cause, and shall cause the same to be levied as other Fees, and paid to the Parties who have a Right to receive the same. Clerk to insert Attornies Fees in the Bill of Costs.

IV. PRO-

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Such Fees not to
be allowed on
Appeals.

IV. *PROVIDED* always, That the Fees above mentioned, for Suits commenced, as aforesaid, in the County Courts, shall not be allowed or taxed on Appeals, brought from any Justice or Justices, in the said Courts, on the Law for Tryal of small and Mean Causes.

Attornies neg-
lecting their Du-
ty, or committing
fraudulent Prac-
tices, liable to
double Damages.

V. *AND* be it further Enacted, by the Authority aforesaid, That if any practising Attorney in any Court of Record in this Province, shall neglect to perform his Duty in any Action in which he shall be retained, or commit any fraudulent Practice, such Attorney shall be liable to an Action on the Case, at Common Law, in the General or County Court of this Province, to the Party injured; and on the Verdict passing against him, Judgment shall be given, by the said Court, for the Plaintiff, to recover double Damages, with Costs of Suit.

C H A P. V.

An Act, for providing proper Magazines of Ammunition in the several Counties of this Province, and for defraying the Charge thereof.

O B S.

C H A P. VI.

An Act, for making and clearing a Highway from Edenton, into the Road leading over Mr. Hoskins's Mill-Dam, towards Pequimons Court-house, and for erecting Bridges in such Road, and also another Gate at Edenton.

Preamble.

I. **W** H E R E A S for want of a convenient Road from *Edenton*, to the said Court-house, and the lower Counties, Persons travelling to and from the same, are put to great Difficulty: For Remedy whereof,

Jury to lay out a
Road from *Eden-*
ton to *Hoskins's*
Mill.

II. **W** E pray it may be Enacted, *And be it Enacted*, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That a Road, leading from *Edenton*, to Mr. William Hoskins's Mill Dam, be laid out, from the second Cross-Street above Mr. Gale's, in the most convenient Manner that may be, for the Use of the Inhabitants below the said Town, and with as little Injury as may be to any private Person's Property, by a Jury of the following Persons, upon Oath, viz. *Thomas Peirce, Jacob Butler, Joseph Ming, Nathaniel Ming, William Benbury, John Halsay, John Benbury, John Blount, John Vail, John Hull, John Harlow, John Taylor, William Hoskins, Luke Gregory, William Lewice, William Luten, Orlando Champion, and George Lysle*, or any Twelve of them; which Road, when laid out, made, and cleared, shall and is hereby declared to be a Public Road, and to be maintained by the Company that now work on the Road that leads from the Town Gate, to the aforesaid Mill Dam.

Persons injured
by the said Road
to be paid.

III. *AND* be it further Enacted, by the Authority aforesaid, That if the said Road should be carried through the Lands of any Person or Persons, to their Prejudice or Injury, that then, and in such Case, it shall and may be lawful for the aforesaid Jury, to assess the Damages done such Person or Persons, and an Ac-

count

count of the same to return to the next succeeding County Court, which shall be held for the County of *Chowan*, after such Assessment; and the Justices of the said County Court are hereby empowered and directed, to lay a Levy on all the taxable Persons in the County aforesaid, sufficient to satisfy and pay such Damage or Damages so assessed, as also for building a Bridge or Bridges, and erecting a Gate on the Line between the said Town and County: Which Levy the Sheriff of the said County is hereby directed and required to collect, agreeable to the Directions of the Justices of the said County Court, under the Penalty of Five Pounds, Proclamation Money; and when collected, to account, upon Oath, and pay the same to the aforesaid Justices, for the Purpose aforesaid, first deducting Five *per Cent.* for his Trouble, in collecting the same.

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Justices to lay a Tax, for paying such Damage.

Sheriff to collect it, on Penalty of 5 l. deducting 5 *per Cent.*

IV. *AND be it further Enacted, by the Authority aforesaid, That if any Surplus shall remain, after paying the said Damages, and defraying the said Charges of building the said Bridge or Bridges, and Gate, the same shall be applied by the Justices, in the same Manner as other County Taxes are applied.*

If any Surplus, to be applied as other Taxes.

V. *AND be it further Enacted, by the Authority aforesaid, That the Justices aforesaid, are hereby empowered to contract and agree with able and skilful Workmen, to build a Bridge or Bridges, where ever it may be found necessary, over any Branches or Creeks in the said Road, as also to erect a Gate on the said Road, on the Line between the Town and County; and any Person or Persons by them employed, shall have Liberty to cut down any Timber Trees, on any of the adjacent Lands, for the Use of building the said Bridge or Bridges, and for erecting the said Gate.*

Workmen to be contracted with, for building Gate and Bridges.

VI. *AND be it further Enacted, by the Authority aforesaid, That the present Road, leading from the Town Gate, to Hoskins's Mill Dam, be, and is hereby stopt up, and all Persons are hereby exempt from working on the same.*

Old Road stopt.

C H A P. VII.

An Act, for erecting a Court-house, Prison, and Stocks, in Bertie County, and for laying a Tax upon the Inhabitants of the said County for defraying the Charge thereof.

I. **W**HEREAS great Disputes have arisen in the County of *Bertie*, concerning the Place whereon the Court-house, Prison, and Stocks, should be erected, in the said County; by Reason whereof, they have not hitherto been built: Therefore, to ascertain the Place whereon the same shall be built, and to prevent Delays for the future,

Preamble.

II. *WE pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the Court-house, Prison, and Stocks, of Bertie County, shall be built between Cusby Bridge, and Wills's Quarter Bridge, in the said County, and that all Courts shall be there held for the said County, after the same shall be built; any Law, Custom, Usage, or Order of Court, to the contrary, notwithstanding.*

Court-house, &c. where to be built.

III. *AND be it further Enacted, by the Authority aforesaid, That the Justices of the said County, or a Majority of them, are hereby empowered and required,*

Justices to purchase Land to

A a a

at

A. D. 1743.
 build the Court-
 house, &c. on.

at the next Court that shall be held for the said County, after the passing of this Act, to purchase, of the Owner, One Acre of Land, in Fee-Simple, between the said Bridges, for the Use of the Public, whereon to build the said Court-house, Prison, and Stocks; and shall also contract with, or empower other Persons, as they shall think proper, to contract with and employ Workmen, for building and erecting the same thereon.

Tax laid for the
 same.

IV. AND for defraying the Expences thereof, *Be it further Enacted, by the Authority aforesaid*, That the said Justices, or a Majority of them, are hereby empowered and required, to lay a Tax on the Inhabitants of the said County, not exceeding Two Shillings and Six Pence, Proclamation Money, for One Year, *per* Tithable, for the Purposes aforesaid.

Sheriff to collect
 it, and pay it to
 the Justices.

V. *AND be it further Enacted, by the Authority aforesaid*, That the Sheriff of the said County of *Bertie*, shall, and he is hereby required, to collect the aforesaid Tax, at the Time, and in the Manner that the Public Taxes are by Law to be collected, and pay the same to the Justices of the said Court, to be by them applied to paying the Workmen for building the said Court-house, Prison, and Stocks; and also, to pay the Consideration Money for the One Acre of Land, herein before directed to be by them, the said Justices, purchased.

Former Contracts
 about a Court-
 house, &c. an-
 nulled.

VI. *AND be it further Enacted, by the Authority aforesaid*, That all and every Contract or Contracts heretofore made, by Virtue of any Order of the Justices of the Court of *Bertie*, concerning the Erecting a Court-house, Prison, and Stocks, at or near *Stony Creek*, is and are hereby annulled and made void; and all Persons concerned therein, shall and are hereby discharged from performing the same, or any Part thereof.

Materials collect-
 ed, to be valued,
 and paid for.

VII. *PROVIDED nevertheless*, That if any Person, by Virtue of any Agreement with the said Justices heretofore made, hath collected any Materials, or done any Work towards the building of a Court-house, Prison, and Stocks, at or near *Stony Creek*, the said Materials or Work so done, shall be valued by Two Freeholders of the said County, one to be chosen by the said Justices, and the other by the Party collecting such Materials, or doing such Work; and the Money such Materials or Work shall be valued at, shall be paid, out of the Tax to be raised by Virtue of this Act.

Money already
 collected, to be
 paid the Justices,
 and the Persons
 to have Credit
 for it.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That in Case any Money has been collected by the Sheriff of the said County, from any Person or Persons, in Consequence of any Order of Court heretofore made, the same shall be paid, by the Sheriff who collected the same, to the Justices of *Bertie* County aforesaid, for and towards defraying the Expence of building the said Court-house, Prison, and Stocks; and any Person or Persons who has already paid any Money to the Sheriff, in Consequence of any Order of Court, made as aforesaid, shall be allowed the same, in Discount of any Tax he shall be liable to by Virtue of this Act; any thing herein contained to the contrary, notwithstanding.

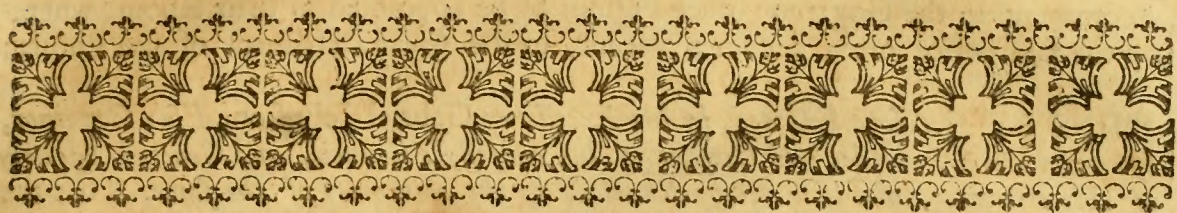
S I G N E D by

GABRIEL JOHNSTON, Esq; Governor.

Nathaniel Rice, President.

SAMUEL SWANN, Speaker.

A. D. 1745.



GEORGGII II.

Regis, *Magnæ Britanniae, Franciæ, &*
Hiberniæ, Decimo Nono.

GABRIEL
JOHNSTON,
Esq; Governor.

An Act, for laying a Tax for sinking the now current Bills of Credit.

Rep. by Act.
April 6, 1748.
Chap. 10.

An additional Act to an Act, intituled, An Act, for appointing Sheriffs in the Room of Marshals of this Province, for prescribing the Method of appointing them, and limiting the Time of their Continuance in Office, and directing their Duty therein; and for abolishing the Office of Provost-Marshal of this Province; and for altering the Names of the Precincts into Counties.

I. **W**HEREAS the Sherifs appointed and commissioned, are, by the said Act, impowered to continue in their Office but Two Years, and the County Courts were thereby directed, at the first Court that should be held in each and every County, next after the Ratification of the said Act, and so successively at the said Courts every Two Years, to recommend to the Governor or Commander in Chief for the Time being, Three such Persons, being Justices in the same County Court, as they should think fit and able, to execute the Office of Sheriff for their respective Counties, for the Two then next succeeding Years; by Means whereof, it frequently happens in several of the Counties in this Province, that

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that the Power of the Sherifs expires before the Sitting of the Courts which are to recommend to the Governor other Persons to be appointed in their Room, whereby the said Office often becomes vacant, to the great Detriment of the Public:

Justices to recommend three Persons to the Governor, one of which to be appointed Sheriff.

Who is to act til another be appointed.

II. *BE it therefore Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the Justices of every respective County shall, at the County Court next before the Expiration of the Sheriff's Commission, or Time of serving in his Office, recommend Three Persons to the Governor, in Order for his appointing one of them to execute that Office, according to the Directions of the said recited Act; and that each respective Sheriff of every County within this Province, now or hereafter to be commissioned, shall hold and enjoy his Office 'til such Time as the succeeding Sheriff shall be duly commissioned and qualified; and that all Procefs served and executed by him during that Time, shall be valid in Law, and deemed duly executed: Any Law, Usage, or Custom, to the contrary, notwithstanding.*

What Persons Justices may recommend.

III. *AND* whereas by the said Act, the Courts of the several Counties are confined to recommend only Persons who are Justices, to be appointed Sherifs, and they often chusing to pay their Fines rather than act in the said Office, it is very difficult, in several Counties, to get any Person so recommended that will accept the said Office; *Be it therefore Enacted, That the Justices of every County, at the Times they are by Law impowered to recommend Persons to be appointed Sherifs, shall not be obliged to recommend such Persons who are Justices only in the County, but may recommend any other Persons resident in their County, (except the Members of his Majesty's Council, and Members of the General Assembly, during the Time they are such,) whom they shall think well qualified for the said Office; and any such Person so recommended, may be commissioned, by the Governor or Commander in Chief for the Time being, to act as Sheriff of the County for which he is recommended; any Thing in the said Act, or any other Act, contained to the contrary, notwithstanding.*

Sheriff to what Penalties liable.

IV. *AND be it further Enacted, by the Authority aforesaid, That every Person hereafter nominated or commissioned Sheriff, by Virtue of this Act, shall be under the same Restrictions, and liable to the same Penalties, for refusing to act in the said Office, or for any Neglect of his Duty therein, as if he had been recommended and commissioned according to the Directions of the before recited Act.*

C H A P. III.

An additional Act to an Act, intituled, An Act, to prevent killing Deer at unseasonable Times, and for putting a Stop to many Abuses committed by white Persons, under Pretence of hunting.

Preamble.

I. **W** H E R E A S by the before-recited Act, it is, among other Things, Enacted, That it shall not be lawful for any Person to kill or destroy any Deer, running wild in the Woods or unfenced Grounds in this Government, by Guns, or any other Ways or Means whatsoever, between the Fifteenth Day of February, and the Fifteenth Day of July, Yearly, and in each Year, after the Ratification of the said Act; and that any Person convicted of the same, shall forfeit and pay the Sum of Five Pounds, current Money: And whereas it appears, that the allowing Liberty of killing Deer in fenced Grounds and Inclosures at such Seasons, has given Room to several Persons to evade the said Law:

II. **W E**

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II. WE therefore pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That if any Person shall be convicted of killing Deer, or having Venison, or a green Deer-skin or Skins, in his House, Camp, or Possession, between the Fifteenth Day of *February*, and Fifteenth Day of *July*, Yearly, after the Ratification of this Act, he shall forfeit and pay the Sum of Forty Shillings, Proclamation Money; to be recovered and applied as herein after is directed.

Penalty on Persons killing Deer contrary to this Act.

III. *PROVIDED nevertheless,* That nothing in this Act shall be construed, *Proviso.* to extend to convict any Person or Persons of the said Forfeiture, in whose House any Venison, green Skin or Skins, shall be found, which hath been left in such House without the Knowledge, Privity, or Consent of such Person, or any of his Family, upon due Proof thereof to be made, by the Person therewith charged.

IV. AND forasmuch as there are great Numbers of idle and disorderly Persons, who have no settled Habitation, nor visible Method of supporting themselves, by Industry or honest Calling, many of whom come in from neighbouring Colonies, without proper Passes, and kill Deer at all Seasons of the Year; and often leave the Carcasses in the Woods, and also steal and destroy Cattle, and carry away Horses, and commit other Enormities, to the great Prejudice of the Inhabitants of this Province; *Be it therefore Enacted, by the Authority aforesaid,* That every Person who shall hunt and kill Deer in the King's Wast within this Province, and who is not possessed of a settled Habitation in the same, shall be obliged to produce a Certificate, when required, of his having planted and tended Five Thousand Corn-hills, at Five Feet Distance each Hill, the preceeding Year, or Season, in the County where he shall hunt, under the Hands of at least Two Justices of the Peace of the said County, and the Hand of at least one of the Churchwardens of the Parish where such Person planted and tended such Corn, as aforesaid.

Persons not possessed of a settled Habitation, not allowed to hunt without producing a Certificate of his having tended 5000 Corn hills.

V. *AND be it further Enacted,* That if any such Person as aforesaid, is found hunting, and does not produce such Certificate as aforesaid, when required, he shall forfeit his Gun, and Five Pounds, Proclamation Money, for every such Offence; to be recovered and applied as herein after directed.

Such Person found hunting, and not producing such Certificate, to forfeit his Gun, & 5 l.

VI. AND whereas many idle Persons, who spend their chief Time in hunting Deer, leave the Carcasses in the Woods, by which Means Wolves, Bears, and other Vermin, are raised and supported, which destroy the Stocks of the Inhabitants of this Province; *Be it therefore further Enacted, by the Authority aforesaid,* That every Person who hunts Deer, and leaves the Carcass or Carcasses in the Woods, undestroyed, shall, for every Offence, forfeit and pay Forty Shillings, Proclamation Money.

Persons not to leave Carcasses in the Woods, on Pen. of 40 s.

VII. *AND be it further Enacted, by the Authority aforesaid,* That all Fines and Forfeitures mentioned in this Act, shall be paid, the One Half to the Informer, the other Half to the Churchwardens, for the Use of the Parish wherein such Offence shall be committed; to be recovered, with Costs, by a Warrant from any Justice of the Peace within this Government; saving to all free Persons the Right of Appeal to the County Court where such Offence is committed: Which said Court is hereby impowered and directed, in a summary Way, finally to determine the same; wherein no Essoign, Protection, or Wager of Law, shall be allowed or admitted of.

Fines how to be recovered, and applied.

Right of Appeal

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C H A P. IV.

An Act, to repeal an Act passed at Wilmington, in the Year of our Lord One Thousand Seven Hundred and Forty One, intituled, An Act, to establish Ports, or Places of Delivery of Merchandizes, imported in, and exported out of this Province, and to prevent the clandestine running of unaccustomed Goods in the several Ports thereof.

Preamble.

I. **W** H E R E A S it is found very inconvenient and injurious to Traders and Vessels arriving at the several Ports and Places in the said Act mentioned, and there being obliged to unlade and continue, whereby great Damages, Losses, and Delays have accrued, and much of the Trade of this Province, which heretofore used to be carried on by Water, has of late been diverted, and carried on by Land to *Virginia*: For Remedy whereof,

Act repealed.

II. **W** E pray it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That the said Act be, and is hereby repealed, to all Intents and Purposes, as if the same had never been made.

Not to extend to any Suit already commenced.

III. **P** R O V I D E D nevertheless, That nothing in this Act shall be deemed or taken, to extend to any Law-Suit already commenced and depending, upon the Breach of the said Law.

C H A P. V.

An Act, for empowering the several Commissioners herein after named, to make, mend, and repair all Roads, Bridges, Cuts, and Water-Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts herein after appointed, in such Manner as they judge most useful to the Public.

Commissioners of the Roads for the several Counties appointed.

For New-Hanover County.

I. **W** E pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That the County of New-Hanover be divided into the Five following Districts; and that the Hon. Roger Moor, Esq; the Honourable William Forbes, Esq; Mr. George Moor, Mr. William Dry, and Mr. John Daniel, be Commissioners of the Roads for the Southwest District of the said County; bounded on the North, by Old Town Creek, to the Head thereof; from thence, by a Line to Wagamaw Lake; from thence, down the Wagamaw River, to the Boundary Line, including all the Inhabitants on the Neck between the aforesaid Boundary, the Sea, and Cape-Fear River; and likewise the Inhabitants on the West Side of the said River: And that the Honourable Matthew Rowan, Esq; Mr. John Davis, Mr. William Waters, and Mr. John Musgrove, be Commissioners of the Roads for the Northwest District of the said County; bounded to the East, by the Northwest River, and to the South, by Town Creek, including the great Island commonly called Eagles, or Buzard Island: And that the Honourable Robert Halton, Esq; Mr. William Faris, Mr. Thomas Clark, Mr. Robert Walker, and Mr. John Buttersford, be Commissioners of the Roads for the East District

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District of the said County, lying between *Cape-Fear* River, and the Sea; bounded on the *East*, by *Onslow* County, to the *South*, by the Sea, to the *West*, by *Cape-Fear* River, and *Smith's* Creek, along the Road to *Beasley* Swamp: And that Mr. *Thomas Jones*, Mr. *Joseph Blake*, Mr. *Charles Harrison*, Mr. *Alexander MacCulloch*, and Mr. *Alexander Linington*, be Commissioners of the Roads for the *East* Side of the *East* District of the said County; bounded to the *South*, by *Smith's* Creek, to the *West*, by the *Northeast* River, up to the Head of the same, to the *East*, by *Henry Bishop's*, below, and *Onslow* County above: And That Mr. *Edward Hyrne*, Mr. *John Swann*, Mr. *Jeremiah Vail*, Mr. *John Ashe*, and Mr. *James Potavente*, be Commissioners of the Roads for the *Northeast* Branch of *Cape-Fear* River, as far up as *Burgaw* Creek, and so over to *Black* River, and the *Northwest* River, including the whole Neck between the said Rivers: And that Mr. *Jonathan Evans*, Mr. *Timothy Bloodworth*, Mr. *Evan Jones*, Mr. *William McRee*, Sen. and Mr. *John Cook*, Jun. be Commissioners of the Roads for the *West* Side of the *Northeast* Branch of *Cape-Fear* River, from *Burgaw* Creek, up to the Head of the said River, and including the Branches of *Rock-fish* Creek.

II. AND be it further Enacted, by the Authority aforesaid, That *Onslow* County be divided into the Four following Districts; and that *Nathaniel Everret*, Mr. *John King*, Mr. *Theophilus Williams*, Mr. *Hope Dexter*, and Mr. *Zachariah Fields*, be Commissioners of the Roads for the *Southwest* District of the said County; bounded by the *Southwest* Branch of *New* River, down to the Mouth thereof, and to the Bounds of *New-Hanover* County: And that *Samuel Johnston*, Esq; Mr. *John Howard*, Mr. *Richard Farr*, Mr. *William Williams*, and Mr. *Thomas Jenkins*, be Commissioners for the *Northwest* District of the said County; bounded by the *Southwest* Branch of *New* River, including all the *Northwest* Branch, bounded by the *Northeast* Branch of the said River: And that Mr. *James Foiles*, Mr. *Edward Ward*, Mr. *William Shewbridge*, Mr. *Richard Whitburst*, and Mr. *Jonathan Melton*, be Commissioners of the Roads for the *Northeast* District, from the *Northeast* Branch of *New* River, down the River, and along the Sound to *Bear* Creek: And that Mr. *John Starkey*, Mr. *Stephen Lee*, Mr. *Abraham Miteball*, Mr. *John Dudley*, and Mr. *John Spooner*, be Commissioners of *White-Oak* District, from *Bear* Creek, and *Rocky-Run*, to *White-Oak* River, including all to the Bounds of *Carteret* County.

For Onslow County.

III. AND be it further Enacted, by the Authority aforesaid, That *Bladen* County be divided into the several following Districts; and that Mr. *Joseph Clark*, Mr. *Henry Simmons*, Mr. *James Carver*, Mr. *James Grange*, Mr. *Ralph Miller*, Mr. *Thomas Brown*, and Mr. *Thomas White*, be Commissioners of the Roads for the first District, bounded from *Livingston's* Creek, to *Brown's* Creek, on the *Southwest* Side of the *Northwest* River: And that Mr. *William Bartram*, Mr. *Thomas Ruff*, and Mr. *Edward Jones*, be Commissioners of the Roads for the second District, from *Edward Jones's* Mill Creek, down the Neck to *Malsby's* Point: And that Mr. *Benjamin Fitzrandolph*, Mr. *William Cain*, Mr. *James Lyon*, Mr. *Thomas Robinson*, Mr. *Moses Plomer*, and Mr. *Nathaniel Platt*, be Commissioners of the Roads from *Brown's* Creek, on the *Southwest* Side of the *Northwest* River, to *Bartram's* Ferry: And that Mr. *Griffith Jones*, Mr. *John White*, and Mr. *Edward Harrison*, be Commissioners of the Roads on the *Northeast* Side of the *Northwest* River, from *Edward Jones's* Mill Creek, to *Bartram's* Ferry: And that Mr. *Daniel MacNeal*, Mr. *Michael Blocker*, Mr. *Jonathan Evans*, Mr. *Thomas Jones*, and Mr. *Richard Richardson*, be Commissioners of the Roads from *Bartram's* Ferry, taking in each Side of the River, up to the Head thereof: And that Mr. *John Green*, Mr. *John Handcock*, Mr. *William Norton*, Mr. *James Baldwin*, and Mr. *James Welsh*, be Commissioners of the Roads for the *Marsh* District: And that Captain *John Clark*, Mr. *Samuel Goodman*, Mr. *John Hamer*, Mr. *John Elleby*, and Mr. *John Mackey*, Sen. be Commissioners of the Roads for the *Pee Dee* District.

For Bladen County.

IV. AND

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For Carteret
County.

IV. *AND be it further Enacted, by the Authority aforesaid, That Carteret County be divided into the following Districts; and that Mr. Thomas Lowick, Mr. Arthur Mobson, and Mr. William Burden, be Commissioners of the Roads for the Northeast Part of Newport River, in Carteret County, beginning at the Mouth of the said River, and running up Coar Creek, to Craven County, and the Head of Newport River: And that Mr. Carey Godey, Mr. John Gillet, and Mr. David Shepherd, be Commissioners of the Roads on the South Side of Newport River, along the Sound to the Bounds of Craven and Onslow Counties, by the Head of White-Oak River: And that Mr. John Clitherell, Mr. Stephen Ford, and Mr. Henry Stanten, be Commissioners of the Roads from Beaufort Town, to Coar Creek Bridge: And that Mr. John Simpson, Mr. Richard Ward, and Mr. Samuel Chadick, be Commissioners of the Roads from the Court-house of the said County, over North River, and so to the extream Part of the said County Eastwardly.*

For Craven
County.

V. *AND be it further Enacted, by the Authority aforesaid, That Craven County be divided into the following Districts; and that Mr. Francis Dawson, Mr. Thomas Person, and Mr. Lewis Bryan, Sen. be Commissioners of the Roads from the Mouth of Neus River, on the North Side, to Swift's Creek: And that Mr. William Charlton, Mr. Lionel Lee, and Mr. William Peters, be Commissioners of the Roads from Swift's Creek, to Contentnee, on the lower Side of the main Creek: And that Mr. Thomas McClendon, Mr. Francis Stringer, and Mr. John Harring, Jun. be Commissioners of the Roads from the upper Side of Great Contentnee Creek, to the Bounds of the County: And that Mr. John Loveld, Mr. Joseph Slocumb, Mr. John Sneall, and Mr. Francis Always, be Commissioners of the Roads from the Mouth of Neus River, on the South Side, to Mill Creek: And that Mr. Robert Howard, Mr. John Hillyard, and Mr. Abraham Bufset, be Commissioners of the Roads from Mill Creek, to the upper Part of the County: And that Mr. Richard Lovett, Mr. Adam Moore, Mr. Christian Esler, Mr. George McCarty, and Mr. Jacob Sheets, be Commissioners of the Roads from the Town of Newbern, to the Head of Trent River, along the North Side of the said River: And that Mr. Richard Nixson, Mr. John Fonveille, and Mr. Cornelius Loften, be Commissioners of the Roads from Newbern, to the Southwest Creek, on the South Side of Neus River: And that Mr. Mark Phillips, Mr. John Smith, and Mr. John Slocumb, be Commissioners from Southwest Creek, to the upper Line of the County.*

For Beaufort
County.

VI. *AND be it further Enacted, by the Authority aforesaid, That Beaufort County shall be divided into the following Districts; and that Mr. James Thomas, Mr. William Phipps, Mr. William Carruthers, and Mr. Josiah Jones, be Commissioners of the Roads from Broad Creek below Bay River, to the main Road, including each Side of the said River, on the South Side of Pamptico River: And that Mr. Abraham Pritchard, Mr. John Tripp, and Mr. John Bond, be Commissioners of the Roads from Goose Creek, to Durham's Creek, and from Durham's Creek, to the Boundary Line of Craven County: And that Mr. Benjamin Peyton, Mr. Thomas Williams, Mr. Reading Blunt, Mr. William Peyton, and Mr. William Dunbar, be Commissioners of the Roads from Durham's Creek, to Chockowinity, and to the Boundary Line of Craven County: And that Mr. Edward Salter, Mr. Thomas Tyson, and Mr. John Hardy, be Commissioners of the Roads from Chockowinity, to the Line of the County: And that Mr. James Adams, Mr. Daniel Blenn, Mr. George Nixson, and Mr. James Brown, be Commissioners of the Roads from Hyde County, bounding on Price's Creek, to Bath-Town: And that Mr. John Barrow, Mr. William Martin, Mr. Robert Boyed, Mr. Samuel Boutwell, and Mr. Simon Jones, be Commissioners of the Roads from Bath-Town, to the Flatt Swamp, bounding on Tyrrel County; and also from Bath-Town, to Tranter's Bridge: And that Mr. Seth Pilkington, Mr. George Moy, Sen. Mr. William Mace, Mr.*

Mr. John Burney, and Mr. James Barrow, be Commissioners of the Roads from *Tranter's Creek*, to *Edgcomb County*. A. D. 1745.

VII. *AND be it further Enacted, by the Authority aforesaid, That Hyde County* For Hyde County,
 be divided into the following Districts; and that Col. Samuel Sinclare, Mr. Joseph Tart, Mr. Richard Larmount, Mr. Francis Kipps, and Mr. Alexander Foreman, be Commissioners of the Roads from *Price's Bridge*, to the Court-house: And that Mr. William Harris, Mr. Thomas Loach, and Mr. Joseph Halloway, be Commissioners of the Roads from the Chappel, to *Jonas Squire's*: And that Mr. William Saterthwaite, Mr. Timothy Allen, and Mr. Nathaniel Eborn, be Commissioners of the Roads from *Matchapungo Creek Bridge*, to the Log-house: And that Mr. John Smith, Sen. Mr. John Smith, Jun. Mr. Gilbert McReary, Mr. Forster Jarvis, and Mr. John Leith, Jun. be Commissioners of the Roads on the *East Side of Matchapungo River*: Which Commissioners, or the Majority of them, in their several and respective Districts, shall have full Power and Authority to make new Roads and Bridges, and keep in Repair the Roads and Bridges already made, in such Places, and in such Manner, as they shall think convenient. Commissioners to make new Roads, &c.

VIII. *AND be it further Enacted, by the Authority aforesaid, That if any* Penalty for not meeting.
 Person or Persons who shall take upon him to act as a Commissioner, shall neglect or refuse to meet, at the Times and Places appointed by the Majority of the Commissioners, in their several Districts, he or they so offending, shall forfeit Thirty Shillings, Proclamation Money, for every such Neglect or Refusal; to be recovered and disposed of as is herein after directed; except he or they so neglecting, shall give such Excuse to the said Commissioners of his District, at their next Meeting, as they judge reasonable.

IX. *AND be it further Enacted, by the Authority aforesaid, That all Male Persons,* All Male Tithables, from 16 to 60, to work on the Roads.
 from the Age of Sixteen Years, to Sixty, both white and black, (except such as are hereafter excepted,) shall be summoned to work on the high Roads, within their several Districts, by such Person or Persons as shall be appointed, by a special Warrant from the Commissioners of each District, or the Majority of them; and if any Person or Persons appointed to summon the Male Taxables, as aforesaid, shall refuse or neglect his Duty, as herein after directed, for every such Offence, he shall forfeit the Sum of Five Pounds, Proclamation Money. Penalty on Persons appointed, neglecting to summon them.

X. *AND be it further Enacted, by the Authority aforesaid, That every Warrant* Warrant to summon Tithables to be granted by the Commissioners, and what to contain.
 to summon the Taxables, as aforesaid, shall be under the Hands and Seals of the Commissioners of the District, or the Majority of them; which Warrant shall expressly mention the Place where such Taxables shall meet, the Number of Days they are to work, and that they bring with them Provision sufficient for the Time, and such suitable Tools as the Commissioners shall direct, and also shall mention the Commissioner or Commissioners Names who are to inspect them, as also the Overseer or Overseers Names who are to oversee them; and every Person or Persons to whom such Warrant is directed, shall personally summons all Masters or Mistresses of Families, and Overseers of Plantations, where there is no Master or Mistress present, at least Eight Days before the Time appointed for working, to cause all Male Taxables in their Families, liable by Law to work on the Roads, to appear at the Place appointed, with suitable Tools as aforesaid, and Provisions, and there to work on the Roads, Bridges, and Cuts, during such Time as is in the Warrant expressly mentioned. Tithables to be summoned eight Days before they meet.

XI. *AND be it further Enacted, by the Authority aforesaid, That all the Commissioners* Commissioners to meet twice a Year, to deter-
 herein appointed for each District, and their Successors, shall meet at the Court-house in the District, and where there is no Court-house, at such Place within

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mine Disputes about Roads, and to lay out private Roads, &c.

within the District where the Majority of the Commissioners shall think fit to appoint, by Notice under their Hands, at least Twice in each Year, viz. The Monday after *Easter Monday*, and on the first *Monday* in *August*, Yearly, and oftener if the Majority of the Commissioners shall think fit; and the Majority of the Commissioners so met, are hereby impowered to determine all Disputes which shall or may arise concerning Highways, Bridges, private Paths, and Cuts, already made, or that shall be made hereafter; also, upon the Petition of any of the Inhabitants, where Lands are so hemmed in by other Persons Lands, that they have no Passage to the next High Road or Landing; to lay out, or cause to be laid out, a Road or Way to the next High Road or Landing, to be laid out, made, and kept in Repair, at the private Expence of the Person or Persons petitioning, with as little Damage as possibly may be to the Owner of those Lands through which the said Road or Way must necessarily pass: And if there are, or hereafter shall be, any considerable Number of Inhabitants settled in such Places where the Roads already laid out are not convenient for them to go to the next County Court, or Town, in such Case, upon the Petition of such Inhabitants to the Commissioners of their respective Districts, it shall and may be lawful for such Commissioners, and they are hereby impowered to lay out, or cause to be laid out, a Road for them to such Court-house or Town, at the Charge of such Petitioners, having due Regard to do as little Damage to such Persons Lands or Plantations where the said Roads must necessarily go, as is possible; and the said Persons so petitioning, shall be liable, for not working, making, and keeping such Road, laid out as aforesaid, in good Repair, to all the Penalties inflicted by this Act on Persons for not working on the High Roads.

Commissioners to allot a Part of the Roads to one another, and to appoint Overseers, and appoint the Time and Place the Inhabitants are to work at, not exceeding 12 Days in a Year.

XII. *AND be it further Enacted, by the Authority aforesaid*, That the Majority of the Commissioners of each District, at any of their Meetings, shall allot to any Commissioner or Commissioners of such District, a particular Part of the Road, to be under his or their Inspection, whether it be to repair an old Road, make a new one, or to make or repair a Bridge, or a Cut; and the Commissioner or Commissioners so appointed, is and are hereby impowered to nominate an Overseer for that Part of the Work under his or their Inspection, and shall also, at the same Meeting, appoint the Time when, and Place where, the Inhabitants shall work, not exceeding Twelve Days in One Year, (except as is herein after excepted,) in such Manner as they shall be directed, by the Commissioner or Commissioners appointed to direct them, or as they shall be directed by the Overseer or Overseers by him or them appointed, when such Commissioner or Commissioners shall be absent; and the said Overseers shall also shew their said Warrant to any Person they summon, if required so to do: And if any of the Persons to whom the said Warrant is directed, cannot find the Party so to be summoned, then, and in such Case, he shall, at least Eight Days before the Time appointed to work, leave a Note, in Writing, of the Time and Place appointed to work, with some Person in the Family of the Person to be summoned; which Note so left, shall be accounted a legal Summons.

Commissioners liable but for the Part under their Inspection.

XIII. *PROVIDED always*, That no Commissioner or Commissioners shall be liable to Prosecution for any Default or Defaults in the Roads, Bridges, and Cuts, but for that Part under his or their particular Inspection.

Persons neglecting to send their Tithables, to forfeit 2 s. 3 d.

XIV. *AND be it further Enacted, by the Authority aforesaid*, That if any Person, after having been duly summoned, as aforesaid, shall neglect or refuse to send all the Male Taxables in his or her Family, and if a Master of a Family, to go himself, such Person so neglecting or refusing, shall forfeit and pay the Sum of Two Shillings and Eight Pence, Proclamation Money, *per Diem*, for each and every Taxable in his or her Family liable to work, who shall be absent any Day or Days he or they ought to work, as aforesaid.

XV. *PRO-*

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XV. *PROVIDED* nevertheless, That if any Person who is a Defaulter, shall, within Ten Days after the Time is expired for working on the Roads, go to the next Commissioner and shew him sufficient Cause, why he or his Taxables were absent, or did not work, at the Time appointed, or if he was obliged, by some extraordinary Occasion, to stay at Home himself, or to keep some of his Taxables at Home; in such Case he shall be allowed to make good the Deficiency, by working on the Roads, in such Place as he shall be directed by the said Commissioners, or laid out by the said Overseer, as a proper Task, by Order of such Commissioner, with such a Number of good and able Men as will fully make up the Deficiency, within Twenty Days after the Time for working shall be expired; at which Time the Commissioners of each District are hereby required to meet, and issue their Warrant or Warrants of Distress to levy the Fines and Forfeitures, in this Act mentioned, on the Estate or Estates of all such Defaulters who have not made good their Deficiencies, or given sufficient Excuses, as aforesaid.

Defaulters to
shew Cause of
Absence in 10
Days.

XVI. *AND* be it further Enacted, by the Authority aforesaid, That if any Commissioner or Commissioners shall refuse or neglect to send all his Male Taxables to work on the said Roads, such Commissioner or Commissioners shall be liable to pay all such Sums of Money as any other Defaulters mentioned in this Act; to be recovered by a Warrant of Distress, issuing out of the Court of the County where such Commissioner or Commissioners dwell, to be levied upon his or their Goods and Chattels, in such Manner as is herein by this Act directed and provided, against any other Person or Persons offending therein.

Commissioners to
send all their
Male Tithables.

XVII. *AND* be it further Enacted, by the Authority aforesaid, That if any Person withdraw his Taxables out of any District after they are summoned, it shall and may be lawful for the Commissioner or Commissioners of such District, to issue out his or their Warrant of Distress against the Master, Mistress, or Overseer of such Taxables so offending, and levy, upon the Goods and Chattels of such Offender, all such Fines or Sums of Money as are herein before directed, according to the Number of Taxables so withdrawn or carried out of such District.

Persons with-
drawing their
Tithables out of
any District after
being summoned,
Commissioners to
issue their War-
rant of Distress
against the Of-
fenders.

XVIII. *AND* whereas there are several vagrant Persons who have no fixt Abode or Settlement, and who neglect and refuse to work on the Roads; *Be it therefore Enacted, by the Authority aforesaid,* That every Master and Mistress of a Family, who hath any such Person or Persons as a Sojourner or Sojourners, Workman or Workmen, Labourer or Labourers, in his or her Family, at the Time of being summoned to work, shall be answerable for the Work of such Person or Persons as one of his or her Family; and if such Person refuse to appear at the Time and Place appointed, the said Master or Mistress may sell, at Public Vandue, so much of the Goods and Chattels of such Person or Persons so refusing, as shall pay the Fine of Two Shillings and Eight Pence, Proclamation Money, for every Day he ought to have worked on such Roads, returning the Overplus, if any, to the said Person or Persons.

Masters of Fami-
lies liable for So-
journers.

XIX. *AND* be it further Enacted, by the Authority aforesaid, That if any Person, appointed Overseer by a Warrant under the Hands and Seals of the Majority of the Commissioners of his District, or any of them, shall neglect or refuse to act, or having taken upon him such Office, shall neglect or refuse to follow the Directions of the Commissioner or Commissioners appointed for that Part of the Road of which he is Overseer, such Person shall, for every Day he shall so neglect or refuse to act, or to follow the Directions of the said Commissioner or Commissioners, forfeit and pay the Sum of Twenty Shillings, Proclamation Money.

Overseers neg-
lecting their Du-
ty, to forfeit
20 s.

XX. *AND*

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Persons refusing
to work, to for-
feit 2 s. 8 d. if a
Negro, he may
be whipt.

XX. *AND be it further Enacted, by the Authority aforesaid,* That if any white Person, being met according to Summons; shall neglect or refuse to work according to the Directions of the Commissioners or Overseer appointed for that Part of the Road, such Person, for every Day he so offends, shall forfeit the Sum of Two Shillings and Eight Pence, Proclamation Money; and if any Slave shall refuse or neglect to work, the Overseer may, and he is hereby directed and empowered, to give such Slave Correction, by whipping him on his bare Back, not exceeding Twenty Lashes, for every Offence, and so that he uses no other Weapon than a Cow-Skin or a Switch: And if any Person (the Commissioners of the District excepted,) shall hinder the Overseer from correcting such Slave, the Person or Persons so offending, shall, for every such Offence, forfeit and pay Twenty Shillings, Proclamation Money.

Commissioners to
build Bridges, &c.

XXI. *AND be it further Enacted, by the Authority aforesaid,* That the Commissioners of each District, or the Majority of them, shall be, and they are hereby empowered, to agree with any Person or Persons, to build any Bridge or Bridges, or repair any Road or Roads, as they shall see necessary, in their several Districts.

Proceedings to be
had where two
Districts are di-
vided by a Creek,
and the Com-
missioners want
to build a Bridge
over it.

XXII. *AND be it further Enacted, by the Authority aforesaid,* That where Two Districts are divided by any River or Creek, and the Commissioners of either desire to build a Bridge over such River or Creek, they shall give Notice to the Commissioners of the other District of the Day and Time they will meet them, as near the Place as may be where the Bridge shall be proposed to be built; and the said Commissioners of the Two several Districts, or the Majority of those of each District, being so met, are hereby empowered to agree with proper Persons to build such Bridge: And the Commissioners of each of the said respective Districts, or the Majority of them, are also hereby empowered to raise Money, sufficient to discharge the Expence of such Bridge, in their several Districts, that is to say, one Half on one District, and one Half on the other, by laying a Levy, so as the same do not exceed One Shilling, Proclamation Money, for One Year, on the Taxables liable to work on the Roads in each of the said Districts; to be collected by the Sheriff of the County wherein such Districts are, at the same Time and Manner as other Taxes are made payable, and to be collected, and shall be accounted for and paid by the Sheriff, to the Commissioners of such Districts where the same shall be collected; for which the Sheriff shall have Six *per Cent.*

Proceedings to be
had where Coun-
ties are divided by
Creeks.

XXIII. *AND forasmuch as several Counties are now divided by small Rivulets or Creeks, where Bridges over the same may be made, and kept in Repair, without laying a Levy on the Taxables of each County; It is therefore hereby Enacted,* That the Two next Commissioners to the said Run, living in the different Counties, may be, and are hereby empowered, to issue Summons for such Number of Taxables in their respective Districts as they shall judge proper, for making and repairing such Bridges; and the Taxables so working, shall be allowed the same Time from working upon any other Roads in their District: And if any Person or Persons, liable to work upon the Roads, shall neglect or refuse to comply with, and obey such Summons as aforesaid, he or they shall forfeit and pay the Sum of Two Shillings and Eight Pence, Proclamation Money, for every Day he or they shall so neglect or refuse.

Commissioners to
keep Bridges in
Repair, and the
Roads clear.

XXIV. *AND be it further Enacted, by the Authority aforesaid,* That if any Bridge shall be broken down or carried away by Freshes, or if by falling of Trees across the Roads, the Passage of the same is interrupted, the Commissioner or Commissioners of the Districts in which such Accident may happen, shall issue
his

his or their Warrant or Warrants to summons as many Taxables as may be able to mend such Bridge, or move such Trees, and otherwise repair any unpassable Road, allowing the Persons so working as many Days at the next General Time of working.

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XXV. *AND be it further Enacted, by the Authority aforesaid,* That if any Person shall stop up, or any way damage any of the Roads, Bridges, Cuts, or Water-Courses, now made, or hereafter to be made, by the Commissioners aforesaid, or any of them, or alter or damage the private Roads by them laid out to a Landing, or Public Road, the Commissioners, or the Majority of them, in the District where such Offence shall be committed, shall order the Party so offending immediately to clear and repair the same; and in Case of Refusal, the Party offending shall forfeit and pay such Sum or Sums of Money, as the Majority of the Commissioners of such Districts shall find sufficient to repair such Damage.

Penalty on Persons stopping up Roads, &c.

XXVI. *AND be it further Enacted, by the Authority aforesaid,* That each Commissioners of each and every District, or the Majority of them, are hereby impowered and required to call to Account, upon Oath, all former and present Commissioners and Officers, to whom any Money hath been, or hereafter shall be paid, by Virtue of any Warrant on Defaulters for not working heretofore on the Roads, and to appoint any one of the said Commissioners to receive the same; and upon Refusal or Neglect of Payment, it shall and may be lawful for the said Commissioners of such District, or the Majority of them, to issue their Warrant, directed to the Sheriff of the County, to distrain the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, and the Goods so distrained shall be, by the Sheriff, sold at Public Vendue, so far as will amount to the Sum which such Person ought to account for and pay, as aforesaid; and the Money so levied, shall be paid to the Commissioners appointed to receive the same, as aforesaid.

Commissioners to call to an Account Persons who have received Money from Defaulters.

XXVII. *AND be it further Enacted, by the Authority aforesaid,* That the Commissioners in the several Districts of this Province, shall have full Power and Authority, and they are hereby authorized and impowered, to summons all Persons, whom they suspect as Defaulters in working on the high Roads, in the several Districts where such Persons reside, by a Note, in Writing, under the Hand of one or more of the Commissioners, appointing the Time when, and Place where, they shall meet, which shall be within Three Months after the Ratification of this Act; and shall cause all Persons who have been Overseers of the high Roads, and all other Persons whom they believe can make Proof against Defaulters, as aforesaid, to appear before them; and on due Proof made, by the Oath of any one credible Person, or the Confession of the Party or Parties, of such Default or Defaults, the Commissioners, or the Majority of them, at the said Meeting, shall order such Defaulter or Defaulters to work on the Roads for the Space of Six Days only, at one Time, until he or they have made good the whole Deficiency, within Six Months after the Ratification of this Act; and in Case such Defaulter or Defaulters shall neglect or refuse to work as aforesaid, or refuse to pay his or their several Fines and Forfeitures, due for his or their Default or Defaults, the said Commissioners, or the Majority of them, are hereby impowered and required to levy, by Warrant, on such Defaulter or Defaulters, such Sum or Sums of Money so due, on his or their Goods and Chattels.

Proceedings against Defaulters.

XXVIII. *AND* whereas Disputes may often arise, about the Number of taxable Persons in a Family liable by Law to work on the Roads; *Be it therefore Enacted, by the Authority aforesaid,* That the Commissioners in each and every District, or the Majority of them, may, and they are hereby impowered, to require, upon Oath, from any Defaulter or other Person, at any Time, the List

Defaulters or others refusing to give a List of their Taxables, to forfeit 5 l.

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or Number of his or her Taxables, liable by Law to work on the Roads; and on Refusal of such Defaulter, or other Person so required, to declare the same; he, she, or they, so refusing, shall forfeit and pay the Sum of Five Pounds, Proclamation Money.

Commissioners
may cut down
adjacent Timber.

XXIX. *AND be it further Enacted, by the Authority aforesaid,* That it shall and may be lawful, for any Person or Persons, by Direction of the Commissioners, to cut down and make Use of any Timber Tree or Trees standing or growing upon any of the most convenient Lands to the said Roads, for the Use thereof.

Warrants to be
under the Hands
of the Commis-
sioners.

XXX. *AND be it further Enacted, by the Authority aforesaid,* That all Warrants for levying any Fine or Forfeiture, due by Virtue of this Act, shall be under the Hands and Seals of the Commissioners, or the Majority of them, in their respective Districts where such shall become due.

Roads, &c. to be
10 Feet wide.

XXXI. *AND be it further Enacted, by the Authority aforesaid,* That all Public Roads, Bridges, and Causeways, shall be made, at the least, Ten Feet in Width.

Right of Appeal.

XXXII. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons shall think him, her, or themselves aggrieved, by any Order or Sentence of the Commissioners, it shall and may be lawful for such Person or Persons to appeal from the Order or Sentence of such Commissioners, in any of their respective Districts, to the next County Court; who are hereby impowered to hear and determine such Appeals in a summary Way.

Fines how reco-
vered.

XXXIII. *AND be it further Enacted, by the Authority aforesaid,* That all the Fines and Forfeitures now due, or which hereafter shall become due, by Virtue of this Act, except such as are herein before directed to be otherways recovered, shall be by Distress, and Sale of the Offenders Goods and Chattels, by Virtue of a Warrant under the Hands and Seals of the Commissioners of such District, or the Majority of them, where such Offence is committed, directed to any lawful Constable of the County, who shall levy the same by Sale of the Offenders Goods, at Public Vendue, to the highest Bidder; and the said Constable shall be allowed, for executing every such Warrant of Distress, One Shilling and Three Pence, Proclamation Money, and Three *per Cent.* for the Sum levied; and after the Forfeitures and Charge paid, the Overplus, if any, to be returned to the Owner: Which Warrant shall be in the following Words, *viz.*

Warrant.

W H E R E A S Information, upon Oath, hath been made to us, Commissioners for the District of _____ in the County of _____ by A. B. That C. D. is a Defaulter upon the high Roads, with _____ Taxables, for _____ Days, which, at the Fine of Two Shillings and Eight Pence each, by Law established, amounts to the Sum of _____ and that the said C. D. hath refused to make Satisfaction for the same:

T H E S E are therefore to command and require you to seize so much of the Goods and Chattels of the said C. D. as will pay and satisfy the said Sum of _____ with all accruing Costs; and the same Goods so seized, unless redeemed by Payment of the said Sum of _____ with Costs, in Five Days after Seizure, that you sell and dispose of, and the Money arising thereby, you pay to us, at _____ the _____ Day of _____ For which this shall be your sufficient Warrant.

Fines appropri-
ated.

XXXIV. *AND be it further Enacted, by the Authority aforesaid,* That all Fines and Forfeitures mentioned in this Act, shall be to the Use of the Public of this

this Province, and shall be paid to the several Commissioners in their respective Districts where the said Fines and Forfeitures are recovered; to be applied to the making and repairing the Bridges and Water-Courses in the several Districts where the same shall be recovered, and towards paying a Clerk for entering the Proceedings of the Commissioners of the said several and respective Districts.

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XXXV. *AND be it further Enacted, by the Authority aforesaid, That no* Member of his Majesty's Council, or Members of Assembly, no Clergyman, Justice of the Peace, Attorney at Law, Clerk of any Court, Coroners, Constables, School-Masters, Physicians, or Surgeons, or Persons appointed to tend Public Ferries, or Public Grist-Mills, shall be themselves compelled to work on any Roads; neither shall any Person be himself compelled to work, who shall send Three Persons out of his own Family to work on any Road, Bridge, or Cut.

Persons exempted from working on the Roads.

XXXVI. *AND be it further Enacted, by the Authority aforesaid, That if any* Commissioner or Commissioners, appointed by this Act, shall refuse to act, or shall die, or leave the District of which he or they are Commissioner or Commissioners, that then, and in such Case, the remaining Commissioners of such Districts where such Commissioner or Commissioners shall refuse to act, die, or leave the District, together with the Justices of the County Court, at the next County Court, shall choose one or more Commissioner or Commissioners, to fill up the Room of such Commissioner or Commissioners refusing, dying, or removing, as aforesaid; and such Commissioner or Commissioners so chosen, shall have the same Power and Authority, and be subject to the same Penalties, as any Commissioner or Commissioners in this Act before named.

Commissioners refusing to act, &c. others to be appointed.

XXXVII. *AND whereas by a late Temporary Act, intituled, An Act, for laying out, making, altering, and keeping in Repair, the several Roads within the County of Bath, &c.* a Tax was laid, by the Commissioners of Bladen County, for finishing a Bridge over Levington's Creek; which Tax was not fully collected before the Expiration of the said Act; and many of the Persons so taxed now refuse to pay the same, because the said Law is expired:

XXXVIII. *Be it therefore Enacted, by the Authority aforesaid, That the* Commissioners appointed by this Act for the said County, in their several and respective Districts, shall have full Power, and they are hereby authorized and required, to issue their Warrant or Warrants, for the levying the said Tax on such Person or Persons who have not already paid the same; and the said Tax shall be levied and paid in the same Manner, and under the same Penalties, as in this Act is before directed for Taxes, on the like Occasion, hereafter to be laid and collected in the several Districts in this Act appointed.

Commissioners of Bladen County to issue their Warrant for levying a Tax.

CHAP. VI.

An Act, for erecting a Fortification on the lower Part of Cape-Fear River, for applying thereto the Powder-Money already arisen, or which shall arise, by Shipping coming into the Port of Brunswick.

I. **W**HEREAS from the present War with France and Spain, there is great Reason to fear, that such Parts of this Province which are situated most commodious for Shipping to enter, may be invaded by the Enemy: And whereas the Entrance of Cape-Fear River, from its known Depth of Water, and other Conveniencies for Navigation, may tempt them to such an Enterprize,

Preamble,

while

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it remains in so naked and defenceless a Condition as it now is: Therefore, for the better securing of the Inhabitants of the said River from any Insult and Invasion,

Commissioners
appointed to erect
the Fort.

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That his Excellency Gabriel Johnston, Esq; Governor, the Honourable Nathaniel Rice, Robert Halton, Eleazer Allen, Matthew Rowan, Edward Moseley, Roger Moore, William Forbes, Esqrs. and Col. James Innes, William Faris, Esq; Major John Swann, and George Moore, Esq; be, and are hereby appointed Commissioners; who, or the Majority of them, shall have full Power and Authority to erect and build a Fort or Battery, in such Place on the lower Parts of Cape-Fear River, as to the Majority of them shall seem most convenient, for the Defence of the said River: Which Fort or Battery shall be called *Johnston's Fort*, and shall be large enough to contain, at least, Twenty Four Cannon, with Barracks, and other Conveniencies, for Soldiers.

Powder-Money
to be applied for
building it.

III. AND for defraying the Charges of building such Fort or Battery, *Be it Enacted, by the Authority aforesaid,* That the Powder-Money already paid to the Naval Officer of Port Brunswick, or to the Commissioners of Navigation of the said Port, since the Sixth Day of March, One Thousand Seven Hundred and Thirty Eight, by Virtue of an Act of Assembly, intituled, *An Act, for facilitating the Navigation of the several Ports of this Province, and for Buoying and Beacoming the Channels leading from Ocacock Inlet, to Edenton, Bath-Town, and Newbern, and from Topsail Inlet, to Beaufort Town, and other Ports and Inlets within the said Province herein mentioned, and for providing sufficient Pilots, for the safe Conduct of Vessels;* and all Powder-Money which shall hereafter arise, by Vessels coming into the said Port of Brunswick, shall be applied, by the Commissioners aforesaid, or the Majority of them, (after deducting a Sum sufficient for finishing the Posting and Staking out the Channel between Brunswick, and Wilmington, not exceeding the Sum of Fifteen Pounds, Proclamation Money,) to the Charge of building and erecting the said Fortification as aforesaid, and to no other Purpose or Use whatsoever; any Thing in the said Act to the contrary, notwithstanding.

Naval Officer to
account with the
Commissioners
for all Powder-
Money.

IV. *AND be it further Enacted, by the Authority aforesaid,* That the several Naval Officers of the Port of Brunswick, or other Persons, who have any of the Powder-Money of, or belonging to the said Port, in their Hands; and the Naval Officer who shall hereafter receive any Powder-Money of or for that Port, shall, when called upon by the aforesaid Commissioners, or the major Part of them, appear before them, and settle their Account, upon Oath, and pay to the said Commissioners, or the Majority of them, or their Order, all such Sum and Sums of Money already received, or which shall hereafter be received by him or them; and a Receipt, under the Hands of the said Commissioners, or their Order, shall be a sufficient Discharge to the said Officer, for such Sum or Sums of Money so paid.

Naval Officer, &c.
neglecting to pay
such Money, to
forfeit 40 l.

V. *AND be it further Enacted, by the Authority aforesaid,* That if any such Person or Persons, who have already received any Powder-Money as afore-mentioned, or who hath any such Money in his Hands, or who hereafter shall receive any such Money, shall, upon due Notice given, refuse to appear to account, upon Oath, and pay the Money due from him or them, he or they so refusing or neglecting, shall forfeit the Sum of Forty Pounds, Proclamation Money; to be recovered, by the Commissioners, or the Majority of them, by Action of Debt, Bill, Plaint, or Information, in the General Court of this Province, wherein no

Pro-

Protection, Injunction, or Wager of Law, shall be allowed or admitted of, and applied towards building the said Fort; and shall be also liable to an Action for all such Sums of Money as are in his or their Hands, at the Suit of the Commissioners aforesaid, or the major Part of them.

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VI. *AND be it further Enacted, by the Authority aforesaid, That if any one or more of the Commissioners before mentioned, shall die, or remove out of this Province, or refuse to act, that in such Case it shall and may be lawful for the Majority of the remaining Commissioners, to recommend double the Number of the Person or Persons so dying, leaving the Province, or refusing to act, to his Excellency the Governor or Commander in Chief for the Time being, out of which he is hereby impowered to appoint one or more Commissioners to act in the Room of such so dying, leaving the Province, or refusing to act, as aforesaid: And such Commissioner or Commissioners so appointed, shall have the same Power and Authority as any other Commissioner or Commissioners have, or ought to have, by Virtue of this Act.*

Number of Commissioners to be kept up.

VII. *AND be it further Enacted, by the Authority aforesaid, That the Commissioners herein before nominated and appointed, are hereby compelled to lay their Accompts before the Governor, Council, and General Assembly of this Province, for all such Sum or Sums of Money as they shall, from Time to Time, receive, by Virtue of this Act.*

Commissioners to lay their Accounts before the Governor, &c.

VIII. *AND be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for any Person or Persons, by the Direction of the Commissioners aforesaid, or the major Part of them, to cut down and make Use of any Timber Tree or Trees, standing or growing upon any of the most convenient Lands to the said Fort, to be used in building and erecting the same.*

Commissioners may use adjacent Timber.

C H A P. VII.

An Act, to appoint Commissioners in the Place and Stead of those deceased, to compleat and finish the Church at Newbern, and for adding the present Churchwardens and Vestrymen to the said Commissioners; and for impowering the said Commissioners, Churchwardens, and Vestrymen, to call the former Commissioners to Account, for all the Monies by them received for the Use of the said Church, and to appropriate it to the Purpose aforesaid, and, in Case of Insufficiency, to lay a Levy to accomplish the same.

I. **W**HEREAS by Virtue of an Act, passed at Edenton, the Twenty Second Day of August, Anno Domini One Thousand Seven Hundred and Forty, intituled, *An Act, to enable the Commissioners herein after appointed, to erect and finish a Church in Newbern Town, for the better regulating the said Town, and for other Purposes herein after mentioned, William Wilson, Adam Moore, William Herriage, George Roberts, and George Bould, were appointed Commissioners to erect, build, and finish a Church at Newbern; and the said William Wilson, Adam Moore, and George Roberts, being since dead, and no Power in the said Law to chuse others in their Room;*

Preamble.

II. *BE it therefore Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and the General*

Commissioners appointed in the Room of those

Assem-

A. D. 1745.

deceased, with Power to call the former Commissioners to an Account for all Monies by them received.

Assembly of this Province, and by the Authority of the same, That the present Churchwardens and Vestrymen of the Parish of *Christ-Church*, together with *John Fonvielle, Edward Bryan, and Christopher-Gregory Hobbs*, be, and are hereby appointed Commissioners, in the Room, Place, and Stead of the said *William Wilson, Adam Moore, and George Roberts*, deceased, with full Power and Authority to call to Account the former Commissioners, for all the Monies by them collected and received, to and for the Use of the said Church, and from any other Person or Persons who may have any of the said Monies in their Hands; and in Case of Neglect or Refusal of any of the surviving Commissioners, or the Heirs or Executors of those deceased Commissioners, or any other Person or Persons, as aforesaid, upon the Demand of the Majority of the present Commissioners, Churchwardens, and Vestrymen, only to account and pay down all such Sum and Sums of Money as are remaining due and unpaid in their Hands to the present Churchwardens and Commissioners, as aforesaid, who are hereby empowered to give Discharges for the same, that then, and in such Case, such Commissioner or Commissioners, or the Heirs, Executors, or Administrators of those deceased Persons, or other Person or Persons concerned therein, shall forfeit and pay, unto the present Churchwardens and Commissioners, the Sum of One Hundred Pounds, Proclamation Money; and further, shall be liable to an Action, at the Suit of the Commissioners and Churchwardens, for all such Sum and Sums of Money as shall appear he or they are so in Arrear; which said Sum of One Hundred Pounds, Proclamation Money, shall be applied for and towards finishing, compleating, and building the said Church.

Commissioners to levy Money to finish the Church if not sufficient already collected.

III. *AND be it Enacted, by the Authority aforesaid,* That in Case there should not appear to be a sufficient Sum of Money in the Hands of the former Commissioners, or in the Hands of the Heirs, Executors, or Administrators of those Commissioners deceased, to finish the said Church, that then, and in such Case, it shall and may be lawful for the present Churchwardens and Vestry, together with the present Commissioners, to lay such a Levy as will be sufficient for the compleating the same, with as much Expedition as possibly may be: Any Thing herein contained to the contrary, notwithstanding.

C H A P. VIII.

An Act, to add that Part of the Province called Mattamuskeet, and Lake, to Hyde County.

Preamble.

I. **W** H E R E A S the Inhabitants of *Mattamuskeet*, and the Lake, for these many Years past, have been obliged to attend *Currituck* County Court, being from their Habitations upwards of One Hundred Miles, through a bleak and dangerous Sound, which is always attended with great Fatigue, and often Times there Lives exposed to great Danger, and frequently, by contrary Winds, disappointed of their Passages, and detained from their Families: For Remedy whereof for the future,

Mattamuskeet deemed Part of Hyde County.

II. **W** E pray it may be Enacted, *And it is hereby Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same,* That *Mattamuskeet*, and the Lake thereunto belonging, shall, from henceforward, be accounted, taken, reckoned, and deemed Part of Hyde County; and that the Inhabitants thereof shall be subject and liable to the same Orders, Rules, and Taxes, as any other of the Inhabitants of the said County are, or hereafter shall be; any Law, Custom, or Usage, to the contrary, notwithstanding.

C H A P.

C H A P. IX.

An Act, to impower the Commissioners for the Town of Edenton, to keep in Repair the Town Fence, and to erect and build a Pound, Bridges, Public Wharf, and Market-house; as also to erect and build a School-house in the said Town, and other Purposes therein mentioned.

I. **B**E it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That the Commissioners already appointed, or who shall hereafter be appointed for the said Town, or the Majority of them, are hereby authorized and impowered, by the Name of the Commissioners of Edenton, from Time to Time, and at all Times hereafter, to lay a Tax on the Inhabitants of the said Town, not exceeding Eight Pence, Proclamation Money, *per Annum*, on each and every Lot, possessed by each and every Person or Persons residing within the said Town, for to keep the Town Gates, and Fence round the said Town, in good Repair; which Tax shall be Annually collected and levied by a Person, from Time to Time, to be appointed by the Commissioners of the said Town, or the Majority of them, and by the said Commissioners, or Majority of them, applied for the Uses and Purposes before mentioned; and on Non-payment of the said Tax, the Person appointed to collect the same, is hereby impowered to make Distress on the Goods and Chattels of such Person who shall refuse to pay the same, and to sell the same at Public Vendue, and the Overplus, if any, to return to the Owner, after paying the said Tax, and the Costs of such Distress.

Commissioners to lay a Tax on the Inhabitants, to keep the Town Gate and Fence in Repair.

II. *AND be it further Enacted, by the Authority aforesaid, That no Person or Persons whosoever, except the Inhabitants of the said Town, shall keep, or cause to be kept, any Horse, Cattle, or Sheep, within the said Town, under the Penalty of Twenty Shillings, Proclamation Money, for each and every Offence; to be recovered and applied as in this Act is hereafter directed.*

None but Inhabitants to keep any Stock in Town, on Pen. of 20 s.

III. *AND be it further Enacted, by the Authority aforesaid, That none of the Inhabitants of the said Town, shall keep, or cause to be kept, running at large within the Bounds of the said Town, more than Six Head of Sheep, one Cow, and one Horse, for one Lot, and so in Proportion for each and every Lot by him, her, or them so possessed, under the Penalty of Twenty Shillings, Proclamation Money, for each and every Offence; to be recovered and applied as in this Act is hereafter directed.*

What Number of Stock Inhabitants may keep.

IV. *AND be it further Enacted, by the Authority aforesaid, That the Commissioners of the said Town, or the Majority of them, are hereby authorized and impowered, to erect and build a Pound, Bridges, Public Wharf, Market-house, and School-house, in such Public Places in the said Town as they, or the Majority of them, shall think most convenient, for the Ease and Advantage of the Inhabitants of the said Town: And for defraying the Expence of building and erecting the said Pound, Bridges, Public Wharf, Market-house, and School-house, the said Commissioners shall be allowed and paid, out of the Money already arisen, and not applied, and which hereafter shall arise, by the Sale of Lots in the said Town; any Law, Usage, or Custom, to the contrary, notwithstanding.*

Commissioners to build Pound, Bridges, Wharf, Market-house, and School-house.

V. *AND be it further Enacted, by the Authority aforesaid, That the several Penalties in this Act mentioned, shall be recovered by a Warrant before Two of his Majesty's Justices of the Peace, and be applied, by the Majority of the Commissioners*

Penalties how to be recovered and applied.

A. D. 1745.

missioners of the said Town, towards the erecting and building the said Pound, Bridges, Public Wharf, Market-house, and School-house.

Commissioners
may receive Donations,
for the
School-house.

VI. *AND be it further Enacted, by the Authority aforesaid,* That the Commissioners of *Edenton* may receive Donations and Subscriptions, towards defraying the Expences of building the School-house in the said Town, and apply the same accordingly; and may, in their Names, or in the Names of the Commissioners for the Time being, commence Suits or Actions for the Recovery of any Sums, given or subscribed to be paid, for the Purpose aforesaid, by any Person or Persons whosoever.

CHAP. X.

An Act, for the better regulating the Town of Wilmington, and for confirming and establishing the late Survey of the same, with the Plan annexed.

Preamble.

I. **W**HEREAS the Inhabitants, and the greatest Part of the Proprietors of the Town of *Wilmington*, have been at a very considerable Expence in a Re-survey, and forming of an exact Plan, of the said Town; and being unanimous in petitioning for the same to be established by a Law:

Plan of the Town
confirmed.

II. *BE it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same,* That the said Plan, as annexed, shall be, for ever hereafter, the true and exact Plan of the said Town; by a Reference to which, all Disputes in Regard to Streets, Squares, Lots, and their Boundaries, are to be determined for the future.

Differences about
the Situation of
Houses, &c. in
the Town, how
settled.

III. **B**UT whereas by the Unskilfulness of former Surveyors, and Neglect of the Proprietors, the Course of the Streets, and Bounds of the Squares and Lots, were never properly ascertained; by which many Houses are misplaced, some incroaching upon the Streets, and others upon the Lots of their Neighbours: For Remedy whereof, *Be it Enacted, by the Authority aforesaid,* That all such Houses as are now built, either wholly, or in Part, upon the Streets, shall be allowed to remain so till they decay and fall to Ruin; but as soon as the Owner of such House or Houses may resolve to repair or rebuild the same, the Street or Streets shall be by him cleared of all Rubbish, and he be obliged to build such House or Houses upon his or their Lot or Lots, under the Penalty of Fifty Pounds, Proclamation Money; to be recovered and applied as is herein after directed: And where any Owner or Proprietor has the Whole, or any Part, of his House or Houses on his Neighbour's Lot or Ground, in such Case it shall and may be lawful for the Party so injured, by being deprived of Part of his Lot or Ground by his Neighbour's House, or any Part of it being built upon his, to give Notice, in Writing, to the Owner or Proprietor of such House or Houses, to remove what of the same is on such Person's Lot or Ground, in Six Months after Date; which he shall be obliged to do, under Penalty of Fifty Pounds, Proclamation Money; to be recovered in the Supreme Court of this Province, by the Party so injured, and to be applied to his proper Use, and to no other Purpose whatsoever: Nevertheless, the Owner or Proprietor of a House or Houses, having Brick Chimneys, or Brick Cellars, may be at Liberty, and he is hereby allowed; to pay a Ground Rent for what Part he incroaches upon his Neighbour, where Notice or Warning was not before given of such Incroachment; which Rent, and all Dis-

putes

putes arising about Incroachments and Damages upon Lots already committed, shall be determined by the Commissioners of the said Town, to be chosen as herein after directed.

A. D. 1743.

IV. *AND be it further Enacted, by the Authority aforesaid, That every Complaint of Nuisances, by Lumber or Rubbish lying upon the Streets, or Wharfs, Dangers of Fire, arising from Wooden Chimnies, or any such hazardous Buildings, shall be determined by the Commissioners as aforesaid.*

Complaints to be determined by the Commissioners.

V. *AND that proper Care may be taken in the Choice of Commissioners, Be it Enacted, by the Authority aforesaid, That the Election of Commissioners shall be, Yearly, and every Year, by the Freeholders of the said Town, by Ballot, as directed in the Law for Regulating the Elections of Members of Assembly, and that the Number of Five, and no more, shall be chosen Commissioners Annually, every New-Year's Day, except when such Day falls upon a Sunday, in which Case the Election to be on the Monday following; and Two Persons, to be chosen by the Majority of the Inhabitants, as Inspectors of the Ballot, shall attend, and declare who are duly elected Commissioners, in the same Manner as in the Law for Regulating Elections of Assembly: And that upon the said Five Commissioners being chosen, and their Names properly entered in the Journal of the Proceedings of the Town, they shall, before they enter upon their Office, take the following Oath:*

Election of Commissioners.

I A. B. *do swear, That I will execute the Office of a Commissioner, faithfully and truly, without Favour or Affection, or Prejudice; and in all Things act for the Good of the said Town, and the well governing of it, to the best of my Skill and Judgment.*

Their Oath

So help me God.

VI. *AND that the said Town of Wilmington may be more regularly supplied with Provisions, Be it Enacted, by the Authority aforesaid, That Thursdays and Saturdays, in every Week, are hereby appointed Market Days, for all Kinds of Provisions and Goods whatsoever; and the Commissioners of the said Town, for the Time being, are hereby impowered to pass such Orders as they may judge proper, for the better Regulating the said Markets, for preventing tainted or unwholesome Provisions being sold, for the better bringing to Justice, or prosecuting according to Law, in the Civil Courts of this Province, all Foresters of the Market, private marketing, or buying or dealing with Negroes bringing Provisions or other Goods without proper Tickets from their Masters, Mistresses, or Overseers, for preventing all irregular Mobbs and Cabals by Negroes and others, especially on Sundays, for the more effectually bringing to Justice all such Criminals and Offenders against the Laws of this Province, and also for preserving the Peace and Safety of the said Town, by appointing proper Guards or Watches in the said Town, as often as they see proper, so as one of the Commissioners shall always be of the Number to make up the said Watch, by giving his Attendance in the Town-house, to be ready on all Occasions of Riots and Disturbances, or to prevent Malefactors breaking the Prison or Goal, and in all Things to act for the Good and Safety of the said Town, and the proper Government of it, consistent with the Laws and Customs of this Province.*

Markets settled.

VII. *AND forasmuch as the Inhabitants of the said Town were at a considerable Expence in building a Town-house, or Court-house, in the said Town, by a voluntary Contribution; Be it Enacted, by the Authority aforesaid, That the Commissioners, and the Inhabitants, shall have free Liberty to hold all their Publick Meetings on all Occasions in the Court-house, and have the Liberty of a Key to the same.*

Public Meetings to be in the Court-house.

A. D. 1745.

Commissioners to
lay a Tax, to de-
fray necessary
Charges.

VIII. AND whereas many Streets in the said Town are unpassable and dangerous, for Want of proper Bridges and Water-Courses, and proper Shambles or a Market-place is also wanted in the said Town; *Be it Enacted, by the Authority aforesaid,* That the Commissioners, or the Majority of them, for the Time being, may, and they are hereby impowered, to lay a Tax on all Male Taxables in the said Town, Yearly, towards defraying such necessary Charges, or any which may arise, by holding Watches, building or repairing Public Wharfs, or Bridges, or other Public Charges, which may be agreed upon, at the Yearly Public Election, by the Majority of the Inhabitants of the said Town; so as such Yearly Tax does not exceed One Shilling and Six Pence, Proclamation Money.

Commissioner re-
fusing to act, an-
other to be
chosen.

IX. *AND be it further Enacted, by the Authority aforesaid,* That any Person being chosen Commissioner for the said Town, and refusing to act, the other Commissioners, or the Majority of them, shall choose another, in his Room.

Fines appropria-
ted.

X. *AND be it further Enacted, by the Authority aforesaid,* That all Fines and Forfeitures, mentioned in this Act, unapplied, shall be levied and applied to the Public Fund or Stock of the said Town.

Inhabitants to
clear and repair
the Streets, on
Pen. of 2 s. 8 d.
each Person, for
every Refusal,

XI. *AND be it further Enacted, by the Authority aforesaid,* That the Commissioners are hereby impowered to issue their Warrant, at least Twice a Year, to the Constables, to warn all the Male Taxables to clear and repair the Streets, or make or mend the Public Wharfs, Docks, or Slips, and also to appoint Overseers; and any Person neglecting or refusing to work, as directed in the Warrant, or to furnish a good and sufficient Hand in their Place, shall forfeit and pay Two Shillings and Eight Pence, Proclamation Money, *per Day*, for every such Refusal or Neglect; to be recovered in the same Manner as the Commissioners of the Roads are impowered by Law: Which Money so recovered, shall be applied towards hiring Labourers in their Place and Stead, and to no other Purpose whatsoever.

Excused from
working on the
Public Roads.

XII. *AND be it further Enacted, by the Authority aforesaid,* That the Inhabitants of the said Town, shall, and they are hereby, for ever hereafter, excused from all Work on the Country Public Roads, during such Time as they live in the said Town, and no longer.

Proprietors to
clear their Lots,
on Pen. of 20 s.

XIII. AND whereas many Lots are not yet cleared, nor proper Drains or Runs made, in many Places near the Parts of the Town where there are most Inhabitants, to the manifest Injury and Unhealthiness of the said Town; *Be it therefore Enacted, by the Authority aforesaid,* That the Commissioners for the Time being, or the Majority of them, may, and they are hereby impowered, to order the Proprietors of any Lot or Lots, to clear all, or any Part of them, and to make proper Drains or Water-Courses through them, in Six Months after such Order, signed by the Commissioners for the Time being, or the Majority of them; and any Person refusing or neglecting to comply with the same, shall forfeit and pay Twenty Shillings, Proclamation Money.

Tax laid on the
Houses, to pro-
vide Water-En-
gines, &c.

XIV. AND whereas the Dangers arising from Fire in the said Town are very great, and a Necessity appears for providing a Water-Engine, Buckets, Ladders, and other Instruments, necessary on such Occasions; *Be it Enacted, by the Authority aforesaid,* That every House in the said Town shall be valued, after the Expiration of Two Years next after the Ratification of this Act, by the Commissioners, who are hereby impowered to lay a Tax on the Owner or Proprietor of such House or Houses, at so much *per Cent.* so as such Tax does not exceed Two *per Cent.* Proclamation Money; which Money so laid, and collected, shall be

be applied towards purchasing one or more Water-Engines, Buckets, Ladders, and other Instruments, for extinguishing Fire; as also for an Alarm or Town Bell: Which Instruments shall be under the Care and Direction of the Commissioners for the Time being, to be ready on all Occasions of Fire.

A. D. 1745.

XV. AND to supply the Want of Commissioners at present, *Be it Enacted, by the Authority aforesaid*, That the Inhabitants of the said Town be, and are hereby impowered and authorised, to meet, on the Second *Tuesday* in *May* next, and choose Five Commissioners, to act 'til New-Year's Day next, and no longer.

Inhabitants to choose 5 Commissioners.

XVI. AND *be it further Enacted, by the Authority aforesaid*, That if at any Time, Twenty Days after the Ratification of this Act, any Tavern-keeper, Ordinary-keeper, or any other Person or Persons whatsoever, selling Liquor or keeping a Public House in the said Town, shall suffer any Person or Persons whatsoever to sit tippling or drinking in his House in Time of Divine Service on the Sabbath Day; or shall suffer any Person or Persons to get drunk in his House on the Sabbath Day; such Person or Persons so offending, shall forfeit and pay, for every such Offence, the Sum of Twenty Shillings, Proclamation Money.

Ordinarykeepers not to suffer Tippling in their Houses on the Sabbath Day, on Pen. of 20 s.

XVII. AND *be it further Enacted, by the Authority aforesaid*, That if any Person or Persons whatsoever in the said Town, shall, one Month after the Ratification of this Act, on any Pretence whatsoever, give any Credit, Loan, or Trust, to any Mariner or Seaman, belonging to, or under the Command of any Master of a Vessel that now is, or shall, at any Time hereafter, arrive in the River of *Cape-Fear*, exceeding the Sum of Two Shillings and Eight Pence, Proclamation Money, except by the Leave or Licence of the Master or Commander of the Vessel he belongs to, or where such Sailor or Mariner shall have left the Ship or Vessel, to apply to the Courts of Justice, in any Dispute or Controversy with the Captain or Cammander of such Ship or Vessel; that then, and in such Case, he, she, or they, shall, for every such Default, lose all the Monies and Goods so trusted or credited.

Not to trust Sailors, on Pen. of losing the Debt,

XVIII. AND *be it further Enacted, by the Authority aforesaid*, That if any Person or Persons whatsoever, shall, willingly and knowingly, entertain, harbour, or keep, or suffer to be entertained, harboured, or kept, directly or indirectly, any Seaman, belonging to any Vessel, as aforesaid, in his, her, or their House or Houses, exceeding the Space of Six Hours, without the Privity or Consent of his or their Commander, (except as in the Case before excepted) he, she, or they, so offending, shall forfeit and pay the Sum of Forty Shillings, Proclamation Money, for every such Offence.

No Person to harbour Sailors, on Pen. of 40 s.

XIX. AND *be it further Enacted, by the Authority aforesaid*, That if any Person or Persons shall think him or themselves injured, by any Determination of the said Commissioners, such Person or Persons may appeal to the Justices of the County Court; who are hereby impowered to determine the same in a summary Way.

Right of Appeal.

XX. AND *be it further Enacted, by the Authority aforesaid*, That all Fines and Forfeitures mentioned in this Act, not exceeding Five Pounds, Proclamation Money, shall be recovered by a Warrant, under the Hands and Seals of the Commissioners, or the Majority of them, for the Time being, directed to the Constable or Bailiff of the said Town, to be by him levied on the Goods and Chattels of the Delinquent, and Public Sale to be made of so much of the same, after Ten Days Notice first given of such Sale, as will discharge the said Sum or Sums, and the Overplus, if any, to be returned to the Owner; and that all other

Fines how to be recovered, and applied.

Fines

A. D. 1745.

Fines and Forfeitures mentioned in this Act, for any Sum above Five Pounds, Proclamation Money, shall be recovered by the Commissioners, or the major Part of them, or the Survivors of them, in any Court of Record of this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Effoign, Injunction, or Wager of Law, shall be allowed or admitted of; and that the Fines and Forfeitures by them so recovered, and not herein before particularly appropriated, shall be applied and paid into the Stock of the said Town.

In Case of Death,
&c. of Commis-
sioners, Inhabi-
tants to choose
others.

XXI. *AND be it further Enacted, by the Authority aforesaid, That if any of the Commissioners, chosen by Virtue of this Act, shall die, or leave the Province, it shall and may be lawful for the Inhabitants to meet, and choose, as before directed, a Commissioner or Commissioners, in Place of him or them so dying or leaving the Province; and such Commissioner or Commissioners so chosen and elected, shall possess and enjoy the same Power and Authority as any other of the Commissioners, chosen as before directed; any Thing in this Act to the contrary, notwithstanding.*

C H A P. XI.

An Act, for Fencing the Town of Bath, and re-surveying the Common belonging to the said Town, and exempting the Inhabitants from working on the Main Roads; and to give Liberty to the Inhabitants to build on and improve the Front or Water Lots, and to appoint Commissioners for the Purposes aforesaid.

Preamble.

I. **W**HEREAS the inclosing and fencing in the Town of *Bath*, will be not only commodious to the Inhabitants, but convenient to Travellers passing that Way:

Inhabitants im-
powered to fence
in the Town.

II. *WE therefore pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That the Inhabitants of Bath-Town, at their own proper Costs and Charges, shall be obliged to make, and keep in Repair, a good and sufficient Fence, with one large Gate, fit for Carts to pass through, and one lesser Gate, fit for Men and Horses to pass through.*

Commissioners to
lay a Tax, to
keep the Fence
in Repair.

III. *AND be it further Enacted, by the Authority aforesaid, That the Commissioners hereafter appointed, or the Majority of them, are hereby directed and impowered, to hire and employ Workmen, to make up or repair the said Fence and Gates, when the Majority of them shall find it necessary, and to compute the Charge of the making and repairing the same, on the first Tuesday in May, Yearly, after the Ratification of this Act: And for defraying the said Expence, the Commissioners hereafter named, are hereby authorized and impowered, to lay a Tax or Levy on each Taxable in the said Town, for paying the said Charge, not exceeding the Sum of Two Shillings and Eight Pence, Proclamation Money, Yearly.*

Persons refusing
to pay the Tax,
may be sued.

IV. *AND be it further Enacted, by the Authority aforesaid, That if any of the Inhabitants of the said Town of Bath, or any other Person or Persons holding or possessing Lots therein, shall neglect or refuse to pay the said Tax or Levy, so laid by the Commissioners, as aforesaid, that then, and in such Case, the Commissioners for the Time being, or the Majority of them, are hereby impowered to sue*

sue for and recover the same, by Warrant from any Justice of the Peace for the County of *Beaufort*. A. D. 1745

V. *AND be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall pull down, take away, or by any Means destroy any of the Rails of the said Fence, or any Part thereof, and shall be thereof lawfully convicted, by the Oath of one credible Witness, before one or more Justices of the Peace, he, she, or they, so offending, shall forfeit and pay, into the Hands of the Commissioners, for the first Offence, the Sum of Twenty Shillings, Proclamation Money; and for the second Offence, being thereof lawfully convicted, as aforesaid, the Sum of Forty Shillings, Proclamation Money; to be recovered, by the Commissioners, by a Warrant from Two Justices of the Peace: Which Money so by them recovered, shall be by them applied towards repairing the said Fence.*

Persons pulling down the Fence, for the first Offence, to forfeit 20 s. and for the second, 40 s.

VI. *AND forasmuch as the Inhabitants of the said Town know not exactly the Bounds of their several and respective Lots; to prevent Disputes for the future, Be it further Enacted, by the Authority aforesaid, That the Commissioners hereafter named, or the Majority of them, are hereby required and impowered, to employ the Surveyor-General, or his Deputy, to re-survey the said Town, as near as possible to the old Plan, that no Person may be damaged thereby; and the Commissioners are hereby impowered to lay a Tax or Levy on each Lot, not exceeding Two Shillings and Eight Pence, Proclamation Money, to pay the Expence of surveying the same; which Money shall be paid, by the Owners of the said Lot or Lots, into the Hands of the Commissioners: And every Owner or Owners of such Lot or Lots so surveyed, are hereby obliged to set up Posts or Stones for Land-Marks, in Presence of some of the Commissioners, at the Time of surveying the same, under the Penalty of Forty Shillings, Proclamation Money; to be recovered and applied in the same Manner as other Fines in this Act are before directed to be recovered and applied.*

Tax to be laid on the Lots, to re-survey the Town.

VII. *AND be it further Enacted, by the Authority aforesaid, That the Common belonging to the said Town be also surveyed, at the Expence of the Inhabitants of the said Town; and that proper Land-Marks be set on the Bounds of the same, that Persons may know where the same are, and not commit Trespass on the Lands adjoining.*

Common to be surveyed, at the Expence of the Inhabitants.

VIII. *AND be it further Enacted, by the Authority aforesaid, That the Inhabitants of Bath-Town, be, and are hereby exempted from working on the Public Roads; provided that the said Inhabitants keep the Town inclosed, in Manner aforesaid, and their Streets and Lots clear of all Incumbrances whatsoever.*

Inhabitants exempt from working on the Roads.

IX. *AND be it further Enacted, by the Authority aforesaid, That all Persons which have, or which hereafter shall take up any of the Front or Water Lots in the said Town, are hereby impowered to improve the same, by building and erecting Warehouses and Stores, or other Buildings, as to them shall be most convenient, for carrying on their Trade and Commerce.*

Persons may improve Front Lots.

X. *AND be it further Enacted, by the Authority aforesaid, That Capt. Michael Coutanch, Col. Benjamin Peyton, Mr. John Ricussett, Mr. Robert Boyd, and Mr. Daniel Blinn, be, and are hereby appointed Commissioners for the said Town of Bath, with Power and Authority to sue for and recover, of and from any Person or Persons who shall refuse to pay, their proportionable Part of the Charges arising and becoming due for any of the Purposes aforesaid; and on Death or Removal of any of the above Commissioners, the Majority of the Com-*

Commissioners appointed.

A. D. 1745. missioners shall choose others in the Room and Stead of those so dying or removing.

CHAP. XII.

An Act, to encourage Persons to settle in the Town of Brunswick, on the Southwest Side of Cape-Fear River.

Preamble.

I. **W**HEREAS *Maurice Moore*, late of *Cape-Fear*, Esq; deceased, appropriated and laid out a certain Parcel of Land, containing Three Hundred and Twenty Acres, on the *Southwest Side* of *Cape-Fear*, for a Town, and Common, for the Use of the Inhabitants of the said Town; which said Town is called *Brunswick*; and the Honourable *Roger Moore*, Esq; to make the said Town more regular, added another Parcel of Land to the said Town, and a great Part of the said Lands was laid out into Lots, of Half an Acre each, many of which are taken up, and good Houses built thereon, and proper Places were appointed and given, by the said *Maurice Moore*, for a Church, Court-house, and Burial-Place, Market-house, and other Public Buildings: And whereas, by Reason of the Death of the said *Maurice Moore*, and of *John Porter*, of *Cape-Fear*, Esq; who claimed to hold Part of the said Lands laid out for a Town, by Grant from the said *Maurice Moore*, it is not certainly known to whom the said Lands belong, so that sure Titles may be had to the Lots as yet unfold, which is a great Discouragement to the settling the said Town: And whereas the Trade of *Cape-Fear* River consists in Naval Stores, Rice, and Lumber, Commodities of great Bulk and small Value, all due Encouragement ought to be given to large Ships to come into the said River, to take off the said Commodities; and as all large Ships which come into the said River, are obliged to lie at *Brunswick*, and that Town, for Want of a sufficient Number of Inhabitants, and by Reason of the easy Navigation thereunto, is much exposed to the Invasion of Foreign Enemies in Time of War, and Pirates, in Time of Peace, nothing can be a greater Encouragement to Ships to come there, than a Certainty of being well supplied with Necessaries, and well secured, during the Time they lie there, which can no Way be better done, than by increasing the Number of the Inhabitants of the said Town: For the effecting of which, and remedying the Inconveniencies above mentioned, and settling and securing the Titles to the said Lots in the said Town;

Town invested in Commissioners.

II. WE pray your Most Sacred Majesty that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same*, That the said Lands appropriated and laid out for a Town, and Common, by the said *Maurice Moore*, and *Roger Moore*, be, and they are hereby declared to be, from henceforward, invested in the Honourable *Edward Moseley*, and *Roger Moore*, Esqrs. and *William Dry*, *John Wright*, and *Richard Quince*, Merchants, in Fee, to and for the Trust and Purposes herein after mentioned, and their Successors, as Commissioners for the said Town of *Brunswick*; to be disposed of in Manner and Form as herein after directed.

Commissioners dying, &c. others to be chosen.

III. *AND be it further Enacted, by the Authority aforesaid*, That on the Death or Departure of any of the said Commissioners out of this Province, at any Time hereafter, the remaining Commissioners, or the Majority of them, are hereby fully authorized and impowered, to elect and choose some other Person or Persons

Persons to succeed such Commissioner or Commissioners so dying or departing, as aforesaid; which Person or Persons so elected or chosen, shall be, and they are hereby invested with as full Power and Authority, to all Intents and Purposes, as if they had been particularly named in this Act. A. D. 1745.

IV. *AND be it further Enacted, by the Authority aforesaid,* That the Honourable Roger Moore, Esq; shall be Treasurer and Receiver of all the Monies arising, or to arise, by the Sale of the said Lots; and on his Death, or Departure out of this Province, then the Majority of the Commissioners to choose another, he giving Security, to the said Commissioners, that he will be accountable for all the Monies which he shall receive for the said Lots. Treasurer appointed.

V. *AND be it further Enacted, by the Authority aforesaid,* That the said Commissioners, or any Three of them, as soon as they conveniently can, shall lay out so much of the said Lands, fronting the River, for a Town, into Lots of Half an Acre each, with convenient Streets and Passages, as they shall think sufficient, and the Remainder thereof not laid out into Lots, shall be, and it is hereby declared to be a Common, for the Public Use of the Inhabitants of the said Town; a Plan of which Town and Common, the Commissioners shall record in the Secretary's Office; by which Plan so recorded, all Disputes hereafter concerning the Lots, Streets, and Passages of the said Town, and also the Common, shall be decided. Commissioners to lay out the Town into Lots and Streets.

VI. *AND be it further Enacted, by the Authority aforesaid,* That if the said Commissioners, or the Majority of them, shall think the Places already laid out for a Church, Burial-place, Market-house, and other Public Buildings, not convenient for the said Uses, that then the said Commissioners, or the Majority of them, shall lay out and appropriate such other Places for the Uses aforesaid, as they shall think most convenient. To lay out proper Places for a Church, Burial-place, &c.

VII. *AND be it further Enacted, by the Authority aforesaid,* That every Person who is willing or desirous to be an Inhabitant of the said Town, shall have Liberty to take up any Lot or Lots so laid out as aforesaid, and not before taken up, paying unto the Treasurer or Receiver for the Time being, the Sum of Three Pounds, Proclamation Money; which Lot or Lots the Commissioners aforesaid, or any Three of them, are hereby required, directed, and impowered, to grant and convey to the Person so taking up the same, and to his Heirs and Assigns, for ever; Forty Shillings whereof shall be paid, by the said Treasurer, to such Person or Persons, his or their Heirs, who hath the Title to the said Lands, and Twenty Shillings, Remainder thereof, to the Churchwardens of St. Philip's Parish, in New-Hanover County; to be disposed of as the Vestry of the said Parish shall direct. To convey Lots to any Person, on Payment of 3 l.

VIII. *PROVIDED always,* That if any Person shall take up or purchase any Lot, in Manner as before directed, and shall not build thereon, within Two Years after the Date of the Conveyance for the said Lot, a good substantial habitable House, of the Dimensions of Twenty Feet long, and Sixteen Feet wide, without Shed, or make such Preparation for so doing as the Commissioners, or the Majority of them, shall judge reasonable, then every such Conveyance shall be null and void, to all Intents and Purposes, as if the same had never been made; and any other Person or Persons shall have free Liberty to take up the said Lot or Lots, in the same Manner as before is directed, as if the same had never been before taken up. Lots to be saved in two Years, or forfeited.

IX. *AND be it further Enacted, by the Authority aforesaid,* That all Money arising by such Second or other Sale of the said Lot or Lots, shall be paid, by the Money to be paid by Sale of said Lot

A. D. 1745. the Treasurer or Receiver, to the Churchwardens of *St. Philip's* Parish aforesaid, to be disposed of as the Vestry of the said Parish shall direct.

Lots, to be paid to the Parish.

Commissioners to sell one Lot, to defray the Expence of laying out the Town.

X. *AND be it further Enacted, by the Authority aforesaid,* That the Commissioners, or the Majority of them, shall have full Power and Authority, and they are hereby authorized and impowered, to sell and convey, in Manner aforesaid, one or more of the said Lots, as they shall find necessary; and apply the Money arising by the Sale of the said Lots, to defray the Charges they shall be at in surveying and laying out the said Lots, and Common, and making and recording the Plan thereof.

What shall be a good Title to Lots, where the Owner cannot prove it.

XI. *AND be it further Enacted, by the Authority aforesaid,* That every Person who is now seized and possessed of any Lot, and hath, by himself, or those under whom he claims, been so seized or possessed for Seven Years, last past, and cannot produce any Title to the same, shall make it appear to the Commissioners, or the Majority of them, that he purchased the said Lots, *bona fide*; and if the said Commissioners, or the Majority of them, shall be satisfied that he purchased the said Lots, *bona fide*, then they shall give him a Certificate thereof, under their Hands and Seals: Which Certificate, being registred in the Register's Office of *New-Hanover* County, shall be a sufficient Title against all Titles bearing Date after the Ratification of this Act; and where any Lot doth belong to any Person deceased, his Executors or Administrators shall have the same Liberty or Privilege.

Lots not dispos'd of by Proprietors, to revert to the Commissioners.

XII. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons, possessed of any of the said Lots, die without Heirs, or shall not make Disposition thereof by Will, or otherwise, then, and in such Case, the said Lot or Lots shall revert to the said Commissioners; and shall be sold by the Commissioners aforesaid, for as much as they can get; and the Money arising by such Sale, shall be disposed of by them for the Use of the said Town.

Vestries to be held in Town.

XIII. *AND for the better Encouragement of Persons to settle in the said Town, Be it Enacted, by the Authority aforesaid,* That from and after the Ratification of this Act, all Vestries for the said Parish, shall be made and held in the Town of *Brunswick*, and at no other Place whatsoever.

Church to be built in Town.

XIV. *AND be it further Enacted, by the Authority aforesaid,* That the Church for *St. Philip's* aforesaid, shall be built in the said Town of *Brunswick*.

Commissioners to remove Nuisances. Lots to be paled or done with Posts and Rails.

XV. *AND be it further Enacted, by the Authority aforesaid,* That the Commissioners aforesaid, or any Three of them, shall have full Power and Authority, and they are hereby authorized and impowered, to remove all Nuisances, or what they shall judge Nuisances, within the Limits of the said Town, and shall not suffer any Person, Owner of any Lot or Lots in the said Town, to inclose the same with a Common Stake or Worm Fence; but every Person who will inclose a Lot or Lots, shall inclose the same with Pales, or Posts and Rails set up; and if any Person or Persons, after Notice given, shall not take away and remove such Stake or Worm Fence, then, and in such Case, the said Commissioners, or any Three of them, shall order the same to be taken away, at the Costs and Charges of the Person who is in Possession of the said Lot or Lots: And if the Possessor refuses to pay for the same, then any Three of the Commissioners aforesaid, are hereby impowered and authorized to grant a Warrant, under their Hands and Seals, directed to the Constable of the said Town, to levy the same, by Distress and Sale of the Offenders Goods, returning the Overplus to the Owner; and the said Constable is hereby required to execute the said Warrant.

XVI. *AND*

A. D. 1745.

XVI. *AND be it further Enacted, by the Authority aforesaid,* That all and every Person and Persons, Possessors or Owners of any Lot or Lots in the said Town, shall, within One Year after the Ratification of this Act, clear all and every such Lot and Lots by them held or possessed, of all Wood, Underwood, Brush, or Grubbs, growing, standing, or being on the said Lots.

Proprietors to clear their Lots within 1 Year.

XVII. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons, Possessor or Owner of any Lot or Lots in the said Town, shall omit or neglect to clear the same, as above directed, within the Time above limited, and keep and maintain the same so cleared, then, and in such Case, the Commissioners, or any Three of them, shall cause the same to be cleared, at the Costs and Charges of the Party offending; and if the Party so offending, shall, upon Demand made, refuse to pay such Sum or Sums as the Commissioners, or any Three of them, shall order, for clearing the same, then the said Commissioners, or any Three of them, shall issue a Warrant, under their Hands and Seals, to the Constable of the said Town, to levy the same, by Distress, and Sale of the Offender's Goods, returning the Overplus, after all Charges are paid.

If they neglect to clear them, Commissioners to have it done, at such Owners Charge.

XVIII. *AND be it further Enacted, by the Authority aforesaid,* That if at any Time, after Twenty Days after the Ratification of this Act, any Tavern-keeper, Ordinary-keeper, or any other Person or Persons whatsoever, selling Liquor, or keeping a Public House in the said Town, shall suffer any Person or Persons whatsoever to sit tippling or drinking in his House, in Time of Divine Service on the Sabbath Day, or shall suffer any Person or Persons to get drunk in his House on the Sabbath, such Person or Persons so offending, shall forfeit and pay, for every such Offence, the Sum of Ten Shillings, Proclamation Money.

Ordinarykeepers not to suffer tippling in their Houses on the Sabbath, on Pen. of 10 s.

XIX. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons whatsoever, in the said Town, shall, one Month after the Ratification of this Act, on any Pretence whatsoever, give Credit, Loan, or Trust, to any Mariner or Seaman, belonging to, or under the Command of the Commander or Master of any Vessel, that now is, or shall at any Time hereafter, arrive at *Brunswick*, above the Sum of Two Shillings and Eight Pence, Proclamation Money, except by the Leave or Licence of the Master or Commander of the Vessel he belongs to, or where such Sailor or Mariner shall have left the Ship or Vessel to apply to the Courts of Justice, in any Dispute or Controversy with the Captain or Commander of such Ship or Vessel; that then, and in such Case, he, she, or they, shall, for every such Default, lose all the Monies and Goods so trusted or credited.

Not to trust Sailors above 2 s. 8 d. on Pen. of losing all above that Sum.

XX. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons whatsoever shall, willingly and knowingly, entertain, retain, harbour, or keep, or shall, directly or indirectly, suffer to be entertained, retained, harboured, or kept, any Seaman or Mariner, belonging to any Vessel aforesaid, in his, her, or their House or Houses, exceeding the Space of Six Hours, without the Privy and Consent of his or their Master or Commander, or one Hour after, against the Consent of the Master or Commander, (except as in the Case before excepted,) he, she, or they, so offending, shall forfeit and pay the Sum of Forty Shillings, Proclamation Money, for every such Offence.

No Person to harbour or entertain Sailors, on Pen. of 40 s.

XXI. *AND be it further Enacted, by the Authority aforesaid,* That if any Person who keeps a Public House, shall, after the Ratification of this Act, entertain, retain, harbour, or keep, or suffer to be entertained, retained, harboured, or kept, any Seaman or Mariner, belonging to any Vessel as aforesaid,

Ordinarykeepers not to harbour Sailors at Night, on Pen. of 10 s.

A. D. 1745.

after Eight of the Clock, in the Winter, at Night, and Nine of the Clock, in the Summer, at Night, except the Seaman or Mariner hath Leave from his Master or Commander, in Writing; to be on Shore, (except as in the Case before excepted,) he or she so offending, shall forfeit and pay the Sum of Ten Shillings, Proclamation Money, for every such Offence.

This Act to be given in Evidence against any thing done in Contempt of it.

XXII. *AND be it further Enacted, by the Authority aforesaid,* That in Case any Person or Persons whatsoever shall be sued or molested for any Thing done in the Execution of this Act, he, she, or they, shall and may plead the General Issue, and give this Act in Evidence; and the Judge or Judges shall allow thereof.

Penalties appropriated, and how recoverable.

XXIII. *AND be it further Enacted, by the Authority aforesaid,* That all Penalties and Forfeitures by this Act made and imposed, shall be, one Half to the Vestry and Churchwardens of St. Philip's Parish aforesaid, and the other Half to him or them who will sue for the same; to be recovered by a Warrant from any one Justice, if the Sum doth not exceed Twenty Shillings, Proclamation Money; and if the Penalty or Forfeiture exceed that Sum, then by a Warrant from any Two Justices.

SIGNED by

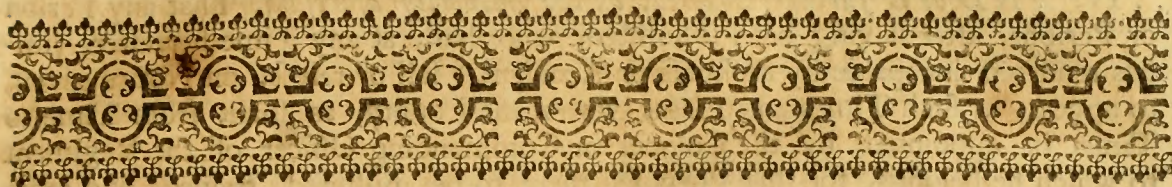
GABRIEL JOHNSTON, Esq; Governor.

Nathaniel Rice, President.

SAMUEL SWANN, Speaker.



A. D. 1746.



Anno Regni

G E O R G I I I I,

Regis, *Magnæ Britanniae, Franciæ, & Hiberniæ*, Viceffimo.

At a General ASSEMBLY, held at *Newbern*, the Twenty Eighth Day of *June*, in the Year of our Lord One Thousand Seven Hundred and Forty Six.

GABRIEL
JOHNSTON,
Esq; Governor.

C H A P. I.

An Act, for the better Regulating the Militia of this Government.

I. **W** H E R E A S the Safety of this, as well as all other well governed Colonies, greatly depends upon the well Regulating the Militia thereof:

Preamble.

II. **W** E pray your Most Sacred Majesty that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same*, That from henceforward, the Militia of this Government shall consist of all the Freemen and Servants within the same, between the Age of Sixteen Years, and Sixty; and the several Captains of the Militia in this Province, shall, within Four Months next after the Publication of this Act, take the List of the Names of all such Freemen and Servants, within the Districts of which their several Companies shall consist, and return a Coppy thereof to the Colonel of the Regiment, under the Penalty of Ten Pounds, Proclamation Money; to be levied by a Warrant from such Colonel, to be applied as herein after is directed.

Militia to consist of all Persons, from 16 Years of Age to 60; and the several Captains to return a List of their Companies to the Colonel, on Pen. of 10l.

III. *AND be it further Enacted, by the Authority aforesaid*, That when such Lists are taken as aforesaid, the said Captain shall, once every Year, from henceforward, *viz.* in the Month of *October*, take new Lists of all the Freemen and Servants in their said several Districts, and return Copies thereof, as before directed, under the like Penalty of Ten Pounds; to be levied and applied as hereafter in this Act is directed.

Captains to take such Lists once a Year, under the like Penalty.

IV. *AND*

A. D. 1746.

Inlisted Persons refusing to appear with Arms and Ammunition, to pay 5 s. 4 d. and 2 s. 8 d. for appearing without Arms.

Serjeant to levy the Fine, and to have 2 s. for his Fee; and liable to the Pen. of 5 l. for neglecting his Duty.

IV. *AND be it further Enacted, by the Authority aforesaid,* That any Person or Persons, after having been so inlisted, who shall, at any Time hereafter, (unless rendered incapable by Sickness or Accident,) fail or refuse, on Notice given, to appear, at such Times and Places within the County, as shall, from Time to Time, be appointed, by the Colonel or Commanding Officer of the Regiment to which he belongs, for that Purpose, there to be mustered, trained, and exercised in Arms, or that shall not, at such Times and Places, be well provided with a Gun, fit for Service, a Cartouch Box, and a Sword, Cutlafs, or Hanger, and at least Twelve Charges of Powder and Ball, or Swan Shot, and Six spare Flints, shall forfeit and pay, for his Non-appearance, the Sum of Five Shillings and Four Pence, Proclamation Money; and in Case they do appear, they shall forfeit and pay Two Shillings and Eight Pence, like Money, for Want of any of the Arms, Accoutrements, or Ammunition, as aforesaid; to be levied by a Warrant from the Captain of the Company, directed to the Serjeant of the same, who shall make Return thereof to the Captain; which Serjeant shall be paid Two Shillings, Proclamation Money, by the Offender, for serving the same: And in Case such Serjeant or Serjeants shall refuse or neglect to serve any Warrant or Warrants to him or them so directed, he or they, on Refusal or Neglect thereof, shall be fined Five Pounds, Proclamation Money; to be recovered by a Warrant from the Captain, directed to any other Serjeant, under the same Penalty; to be applied as other Fines in this Act are directed and appointed: Provided that no Person shall incur the Penalty for appearing in the Field without a Cartouch Box, or Cutlafs, Sword, or Hanger, until the Expiration of Six Months, after the Ratification of this Act.

Persons exempted from mustering.

V. *PROVIDED always,* That no Minister of the Church of England, no Member of his Majesty's Council, no Member of Assembly, Secretary, Attorney-General, practising Attorney, no Man who has been a Field-Officer, or Captain of the Militia of this Province, or Commissioned Officers which have served in the Army, no Justice of the Peace, no practising Physician or Surgeon, no Clerks of the Courts of Justice, no Persons tending Public Mills, or Ferries, shall be obliged to inlist themselves, or attend such Musters, as aforesaid.

In Case of an Invasion, Persons refusing to appear with Arms and Ammunition for Defence of the Country, to forfeit 10 l.

VI. *AND be it Enacted, by the Authority aforesaid,* That in Case of any Invasion of this Province, or Expedition to be carried on against an Enemy within the Province, it shall and may be lawful for the Governor or Commander in Chief, to raise all, or so many of the Forces of this Government, as he shall think necessary, for opposing the said Invasion, or supporting the said Expedition; and any Person whatsoever, who shall refuse or neglect, on Notice or Alarm given, to appear at such Times and Places as shall be appointed by his Captain, or other Officer, with Arms, Ammunition, and Accoutrements, as aforesaid, or shall refuse to march against the Enemy where commanded, within this Province, or refuse any other Duty the Defence of the Country may require, shall forfeit and pay, for either of the said Offences, Ten Pounds, Proclamation Money; to be levied by a Warrant from the Colonel or Commanding Officer for that Service: And that the respective Officers to whom such Invasion shall be first made known, are hereby authorized to command and order the Men under their Command, to mount Guard, march against the Enemy, and do any other Duty as the Defence of the Country may require, and continue the Alarm until the same is made known to their superiour Officers.

In Case of any Invasion of Virginia, or South-Carolina, the Governor to raise

VII. *AND be it further Enacted, by the Authority aforesaid,* That in Case of any Invasion of the Provinces of Virginia, or South-Carolina, it shall and may be lawful for the Governor and Commander in Chief for the Time being, to raise so many of the Forces of this Government as shall be thought necessary, to give proper

proper Relief to such of the Provinces aforesaid as shall be invaded, and to march them to their Assistance, at the Expence of the Province desiring such Assistance; which Number of Forces shall be draughted out of the several Regiments of this Province, and each Regiment to furnish a proportionable Number of Men, so to be draughted and sent to the neighbouring Colony.

A. D. 1746.
necessary Forces
for the Relief of
such Province, at
the Expence of
the same.

VIII. *AND be it further Enacted, by the Authority aforesaid, That the respective Officers of the Militia, and the private Men, when in actual Service, shall, from the Day they are ordered on Duty, be paid according to the Rates following; to wit,*

				Proclamation Money, l. s. d.			
A Colonel, <i>per Day,</i>	-	-	-	o	12	6	Wages of the Militia, when in actual Pay.
A Lieutenant Colonel,	-	-	-	o	10	o	
A Major,	-	-	-	o	10	o	
A Captain,	-	-	-	o	7	o	
An Adjutant,	-	-	-	o	7	6	
A Lieutenant, and Chirurgeon, each,	-	-	-	o	5	o	
An Ensign,	-	-	-	o	4	6	
A Serjeant,	-	-	-	o	4	o	
A Corporal, and Drummer, each,	-	-	-	o	3	6	
Every private Man,	-	-	-	o	3	o	

IX. *AND be it further Enacted, by the Authority aforesaid, That if any Person shall be so disabled in the Service of the Country, as not to maintain himself or pay for his Cure, he shall be cured at the Public Charge, and have one good Negro Man purchased for, and given to him, at the Charge of the Public, for his Maintenance; and if any one shall be killed, the Public shall make the same Provision for his Wife or Family.*

Provision for Persons disabled or killed in the Service of the Country.

X. *AND be it further Enacted, by the Authority aforesaid, That such Persons who by this Act are exempt from enlisting themselves or appearing at Musters, shall be ready, at any Time of Danger, (Sickness or Accident always excepted,) to attend the Commands of the Governor or Commander in Chief for the Time being, within this Province, compleatly furnished with Arms and Ammunition, as aforesaid, on Penalty of Twenty Pounds, Proclamation Money; to be levied by a Warrant from the Colonel, directed to the Sheriff of the said County, who shall return the same, together with the aforesaid Fine, under the Penalty of Forty Pounds, Proclamation Money; to be recovered by the said Colonel, by Action of Debt, in the General Court of this Province.*

Persons exempted to be ready, in Time of Danger, with Arms and Ammunition, to attend the Commands of the Governor, on Pen. of 20 l.

XI. *AND be it Enacted, by the Authority aforesaid, That if, during the Time of Muster, any Soldier shall resist his lawful Officer, or refuse to obey his lawful Commands, such Soldier shall be punished, at the Discretion of the Captain, with the Lieutenant or Ensign, by being tied Neck and Heels, piquetted, or riding the Wooden Horse: And if any Person, upon Duty, during the Time of any Alarm, Invasion, or Expedition against the Enemy, shall desert his Colours, or be mutinous, it shall and may be lawful for one Field-Officer, or more, Four Captains, Four Lieutenants, and Three Ensigns, or the Majority of them, with one Field-Officer, openly to hold a Court-Martial, first taking the Oath usually taken at Court-Martials, and on Tryal and Conviction, to punish the Offender according to Martial Law, as the Nature of the Crime shall require; and for Want of a sufficient Number of Officers to compose a Court-Martial, the Offender shall be kept under a Guard until such Time as there be a sufficient Number of Officers to hold a Court-Martial as aforesaid.*

Soldiers refusing the lawful Commands of their Officers, to be punished; and for Mutiny or Desertion, to be tried by a Court-Martial.

A. D. 1746.

All Fines received to be applied in purchasing Drums, Colours, &c.

No Captain to compound for any Fine, on Pen. of 10 l.

Colonel of every Regiment to make a General Muster once a Year, on Pen. of 20 l.

Captains to muster their Companies four Times a Year, on Pen. of 5 l.

Each Company to consist of 50 private Men, 3 Sergeants, 5 Corporals, and 2 Drummers.

Colonels to apply the Fines, and annually to render an Account to the Governor, on Pen. of 50 l.

Troop of light Horse exempted from mustering in Foot Companies.

XII. *AND be it further Enacted, by the Authority aforesaid,* That the Captains shall apply all Fines received, and hereafter to be received by them, towards purchasing Drums, Colours, and other Implements of War, or Ammunition, for and to the Use of the Company whereof he is Captain; and shall also account, on Oath, once every Year, with the Colonel or Commanding Officer of the County, for all such Fines received, or that he shall or may receive, in Virtue of this Act; and that no Captain shall, hereafter, compound for any Fine hereafter accruing due, under the Penalty of Ten Pounds, Proclamation Money; to be recovered by a Warrant from such Colonel or Commanding Officer, as herein before directed; and such Colonel or Commanding Officer shall make a Report thereof to the Captain-General or Commander in Chief for the Time being.

XIII. *AND be it further Enacted, by the Authority aforesaid,* That the Colonels of each and every Regiment in this Province, shall, once every Year, cause a General Muster to be made of their respective Regiments, at such Times and Places within each several County, as they shall think proper to appoint; which, if any of them shall neglect or refuse to do, he or they so offending, shall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; to be recovered by a Warrant from his Excellency the Governor or Commander in Chief for the Time being, and to be applied to the Uses afore-mentioned in this Act.

XIV. *AND be it further Enacted,* That every Captain of a Company shall, Four Times every Year, at such Times and Places within their several Districts, as their respective Colonels shall appoint, muster their Companies, and see that every Soldier in their Company be furnished with such Arms, Accoutrements, and Ammunition, as by this Act is before directed, under the Penalty of Five Pounds, Proclamation Money; to be levied by a Warrant from the Colonel or Commanding Officer in the County, and to be applied as herein before is directed.

XV. *AND be it further Enacted,* That each and every Company belonging to the several Regiments within this Province, shall consist of Fifty private Men, Three Sergeants, Five Corporals, and Two Drummers.

XVI. *AND be it further Enacted,* That the several Colonels of their respective Regiments within this Province, are hereby authorized to apply the Fines and Penalties by them received, in Virtue of this Act, in purchasing Drums, Colours, Ammunition, or Arms, as shall appear to them to be most necessary for the Companies in such Regiments; and that they shall, Annually, render an Account to his Excellency the Governor, sworn before, and certified by any Justice of the Peace in the County, under the Penalty of Fifty Pounds, Proclamation Money; to be recovered, by Action of Debt, Bill, Plaint, or Information, in the General Court of this Province, (wherein no Essoign, Injunction, or Wager of Law, shall be allowed or admitted of,) by any Person who will sue for the same; the one Half to him or them that shall sue for the same, and the other Half to be applied as other Fines in this Act are directed.

XVII. *AND be it further Enacted, by the Authority aforesaid,* That in Case the Governor or Commander in Chief for the Time being, shall, at any Time hereafter, appoint any Troop or Troops of Light Horse, in any County in this Province, that then, and in such Case, the said Troop or Troops that shall be so appointed, are hereby exempt from mustering in any of the Foot Companies within their several Counties, and shall be accoutred with a good Case of Pistols, a Broad Sword, a Fuzee, with Swivel and Belt, a Cartridge Box, with Twenty

Four

Four Cartridges of Powder and Ball, and subject to Muster at the same Times, and under the same Penalties, as before by this Act is directed for the Foot. *A. D. 1746.*

XVIII. *AND be it further Enacted, by the Authority aforesaid, That this Act shall be and continue in Force, for and during Three Years, and from thence to the next Session of Assembly.* *This Act in Force for 3 Years.*

XIX. *AND be it Enacted, That each and every Captain of a Company, shall procure a Copy of this Act, for which he shall be allowed in his accounting for the Fines and Forfeitures by him received, or to be received, and shall cause the same to be read at the Head of his Company, at least once in every Year; under the Penalty of Five Pounds, Proclamation Money.* *Every Captain to have a Copy of this Act, to be read once a Year at the Head of his Company, on Pen. of 5 l.*

XX. *AND be it Enacted, by the Authority aforesaid, That from and after the Ratification of this Act, all and every Act and Acts, for Regulating the Militia of this Government, and all Matters and Things therein contained, is and are hereby repealed and made void.* *Repealing Clause.*

C H A P. II.

An Act, for Erecting the upper Part of Craven County into a County and Parish, and for appointing a Place for building a Court-house, Prison, and Stocks, in the said County.

I. **W**HEREAS Craven County is now become so very extensive, that many of the Inhabitants thereof live very remote from Newbern Town, where the Court for the said County is held, whereby a great many Difficulties and Hardships arise to the upper Inhabitants thereof, not only in attending their ordinary Business in the said Court, but also by being compelled to serve as Jurymen, and oftentimes as Evidences, at the said Court: For Remedy whereof, *Preamble.*

II. WE pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That Craven County be divided by a Line, begining at the Mouth of the Southwest Creek, on the South Side of Neus River, below Francis Stringer's Ferry, running up the said Creek as far as the aforesaid County extends that Way, and running a North Line from the Mouth of the said Southwest Creek, as far as the County extends Northwardly; and that the upper Part of the said County be erected into a County, by the Name of Johnston County, and St. Patrick's Parish, as divided by a Line that shall be agreed on by the Commissioners hereafter named: And that the said County and Parish shall enjoy all the Privileges and Advantages that any other County and Parish in this Province holds or enjoys; save only that the said County shall send but Two Representatives, to sit in the General Assembly.* *County divided, and the upper Part erected into a distinct County and Parish.*

III. *AND be it further Enacted, by the Authority aforesaid, That the Courts of the said County, shall be held on the last Tuesdays in the Months of March, June, September, and December, in every Year.* *County Courts when held.*

IV. *AND be it further Enacted, by the Authority aforesaid, That the Justices of the said County, or the Majority of them, shall hold their first Court at the Dwelling-house of Francis Stringer, at the Ferry, on Neus River, and then and there* *First Court where to be held.*

A. D. 1746.

This Part repealed, by Act, passed 1746, Chap. 2.

there nominate and appoint a certain Place for building a Court-house, Prison, and Stocks, at the most proper Place in the said County, and shall also make such Orders and Rules for erecting the said Buildings, and running the dividing Line aforesaid, at the proper and equal Expence of the Inhabitants of the same, by a Poll-Tax, not exceeding Two Shillings, Proclamation Money, *per* Year, for Two Years, and no longer.

Commissioners appointed to run the dividing Line between Granville and Johnston Counties.

V. *AND be it further Enacted*, That *William Eaton, William Persons, Francis Stringer*, and *James Macklewean*, be, and are hereby appointed Commissioners, and are hereby impowered and directed to run a dividing Line between the Counties of *Granville* and *Johnston*, as agreeable as may be for the Ease and Convenience of the several Inhabitants of the said Counties, beginning at such Place, on the Head Kine aforesaid of *Edgcomb* County, as the said Commissioners shall think meet and just

Justices to recommend Persons to the Governor, for Sheriff.

VI. *AND be it further Enacted*, by the Authority aforesaid, That the said Court shall, at the first Sitting thereof, recommend to his Excellency the Governor, Three Persons, for his Approbation of one of them, to execute the Office of a Sheriff, according to Law, for the said County.

In Suits already begun in *Craven*, Process to be executed by the Sheriff of that County.

VII. *AND to the End* that no Action, begun in *Craven* County, be defeated by the Division aforesaid; *Be it Enacted*, by the Authority aforesaid, That where any Action is already commenced in the said Court of *Craven*, and that the Parties or Evidences shall be Inhabitants of *Johnston* County, all subsequent Process against such Parties or Evidences, shall be directed to be executed by the Sheriff of *Craven* County; any Law, Usage, or Custom, to the contrary, notwithstanding.

Vestrymen appointed.

VIII. *AND be it further Enacted*, by the Authority aforesaid, That *Simon Bright, John Herring*, Sen. *Thomas McClendon, John Beeton, Abraham Boyd, Ambrose Airis, John Irons, John Carraway, John Smith, Samuel Smith, Robert Rayford*, and *John Beaker*, be, and they are hereby appointed Vestrymen of the said Parish of *St. Patrick*, to serve in the Vestry until the General Election of Vestrymen, according to Law; and that the said Vestrymen shall be summoned by the Sheriff of the said County of *Johnston*, to meet at the Place appointed by this Act where the Court is to be held, and qualify themselves as a Vestry, and proceed to Parish Business.

This Clause repealed, by Act, passed 1746.

IX. *AND be it further Enacted*, That all Public, County, and Parish Levies, now due from any of the Inhabitants of the said County of *Johnston*, shall be collected by the Sheriff of *Craven* County, and accounted for in the same Manner as though this Act had not been made.

C H A P. III.

An Act, for dividing Edgcomb County and Parish, and for erecting the upper Part thereof into a County and Parish, by the Name of Granville County, and St. John's Parish; and for appointing Vestrymen of the said Parish.

Preamble.

I. **W**HEREAS the County and Parish of *Edgcomb*, being a Frontier County, is now so extensively settled, that the Public Business of the said County and Parish becomes very difficult to be transacted:

II. **WE**

A. D. 1746,

II. W E therefore pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same,* That Edgcomb County and Parish be divided by a Line, beginning at the Mouth of *Stonehouse* Creek, on *Roanoke* River, to the Mouth of *Cypress* Swamp, on *Tar* River, and from thence across the River, in a direct Course, to the Middle Grounds between *Tar* River and *Neus* River, being the dividing Line between *Craven* and *Edgcomb* Counties; and that the upper Part of the said County and Parish, as divided by the Line that shall be agreed on by the Commissioners hereafter named, be erected into a County, by the Name of *Granville* County, and *St. John's* Parish: And that the said County and Parish shall enjoy as many Privileges as any other County or Parish in this Province holds and enjoys, save only that the said County shall send but Two Representatives to sit in General Assembly.

County divided, and the upper Part erected into a distinct County and Parish.

III. *AND be it further Enacted, by the Authority aforesaid,* That the Courts of the said County, shall be held on every *Tuesday* succeeding the County Courts of *Northampton*:

County Courts when held.

IV. *AND be it further Enacted, by the Authority aforesaid,* That the Justices of the said County, or the Majority of them, shall hold their first Court at the Dwelling-house of *William Eaton*, and then and there nominate and appoint a certain Place for building a Court-house, Prison, and Stocks, at the most proper Place in the said County; and shall also make such Orders and Rules for erecting the said Buildings, and running the dividing Line aforesaid, at the proper and equal Expence of the Inhabitants of the same, by a Poll-Tax, not exceeding Two Shillings, Proclamation Money, *per Year*, for Two Years, and no longer.

First Court where to be held.

V. *AND be it further Enacted,* That *William Eaton, William Persons, Francis Stringer,* and *James Macklewean,* be, and are hereby appointed Commissioners; who are hereby impowered and directed to run a dividing Line between the said Counties of *Granville* and *Johnston*, as agreeable as may be for the Ease and Convenience of the several Inhabitants of the said Counties, beginning at such a Place on the Head Line aforesaid of *Edgcomb* County, as the said Commissioners shall think meet and just.

Commissioners appointed to run the dividing Line between *Granville* and *Johnston* Counties.

VI. *AND be it further Enacted, by the Authority aforesaid,* That the said Court shall, at the first Sitting thereof, recommend to his Excellency the Governor, Three Persons, for his Approbation of one of them, to execute the Office of Sheriff, according to Law, for the said County.

Justices to recommend Persons to the Governor, for Sheriff.

VII. *AND to the End that no Action begun in Edgcomb County Court, be defeated by the Division aforesaid; Be it Enacted, by the Authority aforesaid* That where any Action is already commenced in the said Court of *Edgcomb*, and the Parties or Evidences shall be Inhabitants of *Granville* County, all subsequent Process against such Parties or Evidences, shall be directed to be executed by the Sheriff of *Edgcomb* County; any Act, Law, Usage, or Custom, to the contrary, notwithstanding:

In Suits already begun in *Edgcomb*, Process to be executed by the Sheriff of that County.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That *William Eaton, William Persons, John Martin, Edward Jones, James Mitchel, James Payne, West Harris, John Wade, William Moore, Samuel Lanier, Robert Parker,* and *Joseph Sims,* be, and they are hereby appointed Vestrymen of the said Parish of *St. John's*, to serve in Vestry until the General Election of Vestrymen, according to Law; and that the said Vestrymen shall be summoned, by the Sheriff

Vestrymen appointed.

A. D. 1746. of the said County of *Granville*, to meet at the House of *William Eaton*, and qualify themselves as a Vestry, and proceed to Parish Business.

Rep. by A&T,
March 7, 1746.
Chap. 2.

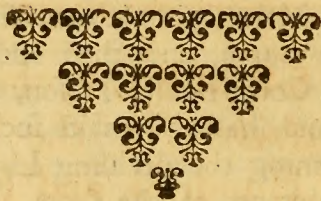
IX. *AND be it further Enacted*, That all Public, County, and Parish Levies, now due from any of the Inhabitants of the said County of *Granville*, shall be collected by the Sheriff of *Edgcomb* County, and accounted for in the same Manner as though this Act had not been made.

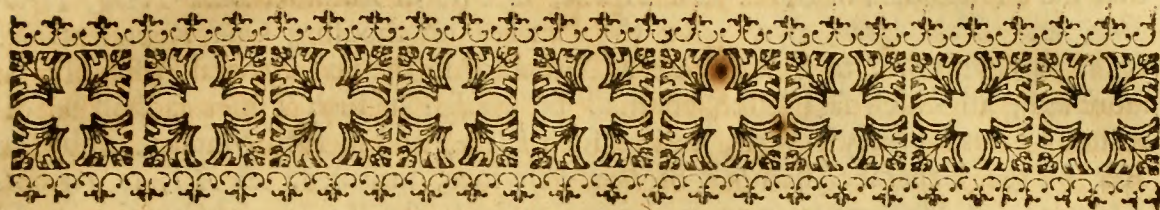
SIGNED by

GABRIEL JOHNSTON, Esq; Governor.

Nathaniel Rice, President.

SAMUEL SWANN, Speaker.





Anno Regni

GEORGE II,

Regis, *Magnæ Britanniae, Franciæ, & Hiberniæ*, Viceſſimo.

At a General ASSEMBLY, held at *Wilmington*, the Fifth Day of *December*, in the Year of our Lord One Thousand Seven Hundred and Forty Six.

GABRIEL
JOHNSTON,
Esq; Governor.

CHAP. I.

An Act, for the better aſcertaining the Number of Members to be choſen for the ſeveral Counties within this Province, to ſit and vote in General Aſſembly; and for Eſtabliſhing a more equal Representative of all his Majeſty's Subjects in the Houſe of Burgeſſes.

I. **W**HEREAS the Inhabitants of ſeveral of the *Northern* Counties within this Province, have aſſumed to themſelves the Privilege of chooſing Five Perſons reſpectively to repreſent them in the General Aſſembly, without any Law, or Pretence of Law, to ſupport ſuch a Claim, while thoſe of the more *Southern* and *Western* Counties, who are more numerous, and contribute much more to the General Tax of the Province than ſome of thoſe who claim this Privilege, are repreſented only by Two Members in the ſaid Aſſembly; from which Inequality great Miſchiefs and Diſorders have ariſen, and the beſt Schemes for the Good and Welfare of the Province, by this Means, have been utterly defeated: For preventing of which for the future,

Preamble.

II. WE pray that it may be Enacted, *And be it Enacted*, by his Excellency Gabriel Johnſton, Esq; Governor, by and with the Advice and Conſent of his Majeſty's Council, and General Aſſembly of this Province; and by the Authority of the ſame, That from henceforward, the Inhabitants of each and every County already erected, or which ſhall hereafter be erected in this Province, reſpectively, ſhall and may chooſe Two Perſons, duly qualified, for there Representatives, to ſit and vote as Members in the General Aſſembly of this Province, and no more; any Law,

Each County to elect Two Representatives.

A. D. 1746.

Towns to choose
one Burgess.

Law, Usage, or Custom, to the contrary, in any-wise, notwithstanding: And that the Freeholders of the several Towns, *to wit*, of *Edenton, Bath-Town, New-bern, and Wilmington*, may have the Liberty of choosing One Representative each, as heretofore, to sit and vote as Members in the said General Assembly, as aforesaid; all which said Members shall be chosen at such Times as shall be directed by his Majesty's Writ, and at such Place, and in such Manner, as by an Act of the General Assembly of this Province, intituled, *An Act, to regulate Elections for Members to serve in General Assembly for the several Counties, to declare who shall be qualified to vote in the said Elections, or be elected a Member of the General Assembly, for any of the said Counties, and to direct the Method to be observed in taking the Poll at the several Elections in the Counties and Towns in this Province*, is directed and appointed.

Eight Members
may adjourn, 'til
a House made.

III. AND whereas great Mischiefs have arisen, and numberless Obstructions given to the Public Affairs, by the Members of the House of Burgesses not duly attending, according to the Writ, or the Time of Prorogation or Adjournment; *Be it Enacted, by the Authority aforesaid*, That Eight Members of the House, at the first Meeting, in Pursuance of his Majesty's Writ, or the Time of Prorogation or Adjournment, are hereby impowered to adjourn *de Die in Diem*, until the Number of Members herein after limited shall come together, to make a House.

Fourteen to con-
stitute a House,
and pass Laws.

IV. AND for the better Dispatch of Public Business, *Be it Enacted, by the Authority aforesaid*, That Fourteen Members of the said House, and the Speaker, shall be a sufficient *Quorum* to make a House, and to pass Laws, or do any other Act or Acts, which any Assembly in this Province have been heretofore accustomed to do by a larger Number; any Law, Custom, or Usage, to the contrary, in any-wise, notwithstanding.

Repealing Clause.

V. AND *be it further Enacted*, That all and every Clause and Clauses of every Law or Laws, so far as relate to the Inhabitants of any County or Counties in this Province, their sending above Two Members, exclusive of the Members chosen for the several Towns, in this Act before mentioned, to sit and represent them in General Assembly, directly or indirectly, is and are hereby repealed and declared null and void, to all Intents and Purposes, as though the same had never been made.

CHAP. II.

An Act, to fix a Place for the Seat of Government, and for keeping Public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and also for establishing the Courts of Justice, and regulating the Proceedings therein.

Preamble.

I. **W**HEREAS the Limits of this Province are very extensive, and to the End that the Supream Court of Judicature and Public Offices may be held and kept at the most proper and convenient Place, and Circuit Courts appointed, for the Ease and Benefit of the Inhabitants in General of this Province;

II. **W**E pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same*, That from and after the Fifteenth Day of August, next after the Ratifica-
tion

tion of this Act, the Courts of Chancery, General Court, Secretary's Office, Clerk of the Chancery Office, and Clerk of the General Court Office, shall be held and kept at the Town of *Newbern*, in this Province; and that the Court of Chancery, and the Supreme or General Court, shall be held at the said Town of *Newbern*, on the several Days and Times herein after in this Act directed; and that all Business, proper and incident to the said Courts, and Matters appertaining to, and proper to be transacted in the said several Offices, shall be there done and transacted: Any Law, Usage, or Custom, to the contrary, notwithstanding.

A. D. 1746

Court of Chancery, General Court, and Public Offices, to be kept at *Newbern*.

III. *AND be it further Enacted, by the Authority aforesaid, That from and after the said Fifteenth Day of August, the Secretary of this Province, for the Time being, or his Deputy, the Clerk of the Chancery, for the Time being, or his Deputy, the Clerk of the General Court, for the Time being, or his Deputy, shall Daily (Sundays and Holy-days excepted) give their Attendance respectively at their Offices in Newbern aforesaid, from the Hours of Ten of the Clock in the Forenoon, 'til Twelve, and from Three of the Clock in the Afternoon, 'til Five, for the better dispatching the Business of such Persons who shall apply to their respective Offices for that Purpose; and if either or any of the said Officers shall neglect so to do, he or they so offending, shall forfeit, for every such Neglect, Five Pounds, Proclamation Money; to be recovered by Action of Debt, Bill, Complaint, or Information, in the General Court of this Province, (wherein no Essoign, Protection, Injunction, or Wager of Law, shall be admitted of,) by the Party who shall make Information thereof, or sue for the same.*

Clerks when to give their Attendance.

Penalty for Neglect, 5 l.

IV. *AND be it further Enacted, by the Authority aforesaid; That the Chief Justice of this Province, for the Time being, shall, Twice every Year, hold a Court of Assize, Oyer and Terminer, and General Goal Delivery, by a Commission or Commissions to be issued for that Purpose by the Governor or Commander in Chief for the Time being, under the Seal of the Province, at Edenton; in Chowan County, at Wilmington; in New-Hanover County, and at the Court-house in Edgcomb County.*

Courts of Assize, &c. when and where to be held.

V. *AND be it further Enacted, by the Authority aforesaid, That all Issues in all Actions and Plaints, whether Real, Personal, or Mixt, Local, or Transitory, which shall hereafter be brought or commenced in the Supreme Court of Common Pleas, in which the Visne shall be laid in the Counties of Currituck, Pasquotank, Pequimons, Chowan, Bertie, and Tyrrell, shall be tryed at Edenton; by Writ of Nisi Prius, on the Second Tuesdays in October, and April: And all Issues in all Actions or Plaints, where the Visne shall be laid in the Counties of Edgcomb, Northampton, and Granville, or in any Counties that shall hereafter be established to the Westward of Granville County, shall be tryed, in like Manner, at the Court-house in Edgcomb County, on the Fourth Tuesdays in October, and April, by a Jury of Freeholders, of the said Counties, or any of them: And all Issues in all Actions and Plaints, where the Visne shall be laid in the Counties of New-Hanover, Bladen, and Onslow, or any Counties that shall hereafter be established to the Southward or Westward of Onslow County, shall be tryed, in like Manner, at Wilmington, on Cape-Fear River, on the Second Tuesdays in November, and May, by a Jury of Freeholders of the said Counties, or any of them.*

All Actions when and where to be tryed.

VI. *AND be it further Enacted, by the Authority aforesaid, That the Visne in all Actions and Plaints, (Suits in behalf of the Crown, and Transitory Actions, excepted,) shall be laid in the County where the Cause of Action shall arise, and in no other, without the Consent of the General Court, for good and sufficient Causes shewn.*

Visne to be laid in the County where the Cause of Action shall arise.

A. D. 1746.

Writs, &c. to be
issued from the
Gen. Court;
the Proceedings
to be had there-
upon.

VII. *AND be it further Enacted, by the Authority aforesaid, That all Writs, Plaints, and Process whatsoever, shall, as heretofore, be issued out, commenced, and filed in the General Court at Newbern aforesaid; and all the Pleadings and Proceedings thereon shall be carried on and transacted in the said Court, until the Cause shall be at Issue; and that when such Causes shall be at Issue, full Power and Authority is hereby given to the said Court, to issue out a Writ of Nisi Prius, and Subpoena for Witnesses to appear, and to transmit a Transcript of the Record of the Proceedings and Pleadings in all Actions, to the proper Place, for the Tryal of the Issue before appointed for that Purpose, in the same Manner according to the Method, and as near as may be, agreeable to the Practice of the Court of Common Pleas or King's Bench at Westminster.*

Chief Justice's
Power to try at
the Times and
Places aforesaid.

VIII. *AND be it further Enacted, That the said Chief Justice, or such other Person or Persons, in Case of Sickness or Disability of the Chief Justice, as shall, from Time to Time, be appointed Justice or Justices of Assize, Oyer and Terminer, and General Goal Delivery, shall have full Power and Authority to try, at the respective Places and Times aforesaid, all Issues remaining to be tried in any of the said Records, as aforesaid, and to cause Juries to be summoned and sworn, and in all Things relating thereto, to proceed according to, and as near as may be, agreeable to the Method used and practised by the Judges of Assize, Oyer and Terminer, and General Goal Delivery, in England.*

And to certify
the Proceedings
to the General
Court Office.

IX. *AND be it further Enacted, That the said Chief Justice or Justices of Assize, shall, upon the said Transcript of the Record, certify, under his or their Hands and Seals, the Verdict of the Juries, and the whole Proceedings had thereupon, and to return, or cause the same to be returned, and filed, in the General Court Office in Newbern aforesaid: And the General Court is hereby empowered to enter, or cause Judgment to be entered thereupon, and to issue Execution, and in all Things to proceed and act, as near as may be, agreeable to the Proceedings of the Court of Common Pleas and King's Bench at Westminster.*

Commission to
issue to C. Jus-
tice, to try Cri-
minal Suits at
the Circuits.

X. *AND be it further Enacted, by the Authority aforesaid, That a Commission of Oyer and Terminer, and General Goal Delivery, shall be made out, under the Seal of the Province, empowering the said Chief Justice, or other Person, to hear and determine all Treasons, Murders, Burglaries, Felonies, Trespasses, and Crimes, of what Nature or Kind soever, committed, or which shall hereafter be committed, in the several and respective Counties, at the several Times and Places hereby appointed for the Tryal of Civil Actions, on the Circuits; and the said Chief Justice, or other Persons, empowered as aforesaid, are hereby directed and authorized, to try all Persons against whom any Indictment shall be found, or Presentment made, or Information exhibited, for any Crimes, committed in any of the said Counties, and to proceed thereupon, at the same Places hereby appointed for the Tryal of Issues by Nisi Prius, where the Visne shall be laid in any of the several and respective Counties aforesaid, by a Jury of Freeholders of the said respective Counties, and to give Judgment, and award Execution, as near as may be, agreeable to the Method and Practice of Judges of Assize, Oyer and Terminer, and General Goal Delivery, in England.*

Visne laid, or
Fact committed,
in any other
County, Suit to
be tried at the
Gen. Court.

XI. *AND be it further Enacted, by the Authority aforesaid, That the Issues in all Actions or Plaints whatsoever, where the Visne is laid in any other County than before mentioned, and all Prosecutions for Criminal Matters, where the Fact in the Indictment is laid to be committed in any other County than before mentioned, shall be heard and tried at the General Court, to be held at Newbern.*

XII. *AND*

A. D. 1746.

XII. *AND be it further Enacted*, That there shall be Three several Clerks of the Assize, *to wit*, One for the *Northern* Circuit, who shall reside and keep his Office in *Edenton*; and One for the *Western* Circuit, who shall reside and keep his Office in the said County of *Edgcomb*; and One other for the *Southern* Circuit, who shall reside and keep his Office in *Wilmington*: Which said several Clerks shall keep a Record of all the Criminal Prosecutions, and other Prosecutions, at the Suit of his Majesty, heard and determined before the Justices of Assize, Oyer and Terminer, and General Goal Delivery, within their respective Circuits; which said Clerks shall be appointed by the Clerk of the Crown for the Time being; and also, that the Chief Justice of this Province, for the Time being, shall appoint a Clerk or Clerks, who shall attend the Courts of *Nisi Prius*: And the said Clerks so to be appointed by the Chief Justice, and Clerk of the Crown, are hereby vested with the same Power and Authority, to act in their several and respective Offices, as Clerks of Assize and *Nisi Prius* can, may, or ought to do, on the Circuits in *England*.

Clerks of Assize appointed, and their Offices where to be kept.

XIII. *AND be it further Enacted*, That the several Clerks shall take and receive, for the Business on the several Circuits, the same Fees as by Law appointed for the Clerk of the General Court, for the like Services; and for making the Posters on the Circuits, Two Shillings and Eight Pence, Proclamation Money.

Clerks Fees.

XIV. *AND* whereas the said Chief Justice and Attorney-General, must necessarily be at great Expence in riding the Circuits, and holding the Courts, at the respective Times and Places aforesaid; *Be it further Enacted, by the Authority aforesaid*, That the Chief Justice, for his Trouble and Expence in riding and attending the said several Circuits, shall have and receive the Sum of Two Hundred Pounds, Proclamation Money, Annually; and the Attorney-General, Sixty Six Pounds Thirteen Shillings and Four Pence, Proclamation Money, Annually; to be paid out of the Tax herein after laid for that Purpose, by a Warrant under the Hand of the Governor or Commander in Chief for the Time being.

C. Justice and Attorney-General's Salaries.

XV. *AND* to raise Money for defraying the Charges in building the Public Offices, and paying the said Officers of the Circuit; *Be it Enacted, by the Authority aforesaid*, That from and after the Ratification of this Act, a Tax of Four Pence, Proclamation Money, *per Poll*, shall be Annually levied on the taxable Persons within this Province, and collected by the Sheriff of the respective Counties, at the Time all other Taxes are collected and paid, for and during the Space of Two Years, to be paid and applied in Manner following; that is to say, All the Money arising by the said Tax, within the Counties of *Craven*, *Beaufort*, *Hyde*, *Carteret*, and *Johnston*, shall, by each Sheriff, be, at the usual Time, Annually accounted for and paid to Mr. *John Barrow*, Mr. *James Macklewean*, Mr. *Thomas Pearson*, Col. *Thomas Lovick*, and Mr. *John West*, or the Majority of them, for and towards the erecting the Offices and other Public Buildings at *Newbern Town*, as they, or the Majority of them, shall think necessary and convenient: And all the Monies arising by the said Tax, within the Counties of *Bertie*, *Tyrell*, *Chowan*, *Pequimons*, *Pasquotank*, and *Currituck*, shall be paid to Mr. *Joseph Blount*, Mr. *John Benbury*, Mr. *Peter Payne*, Mr. *Caleb Wilson*, Mr. *Stephen Lee*, Mr. *John Wynn*, and Mr. *Luke Sumner*; to be by them applied towards repairing the Court-house for holding the Assize at *Edenton*, and finishing the Goal, as they, the said Mr. *Joseph Blount*, Mr. *John Benbury*, Mr. *Peter Payne*, Mr. *Caleb Wilson*, Mr. *Steven Lee*, Mr. *John Wynn*, and Mr. *Luke Sumner*, or the Majority of them, shall think necessary and convenient: And all the Monies arising by the said Tax within the Counties of *Edgcomb*, *Northampton*, and *Granville*, shall, by each Sheriff, at the usual Times, be Annually accounted for and paid to Mr. *John Haywood*, Mr. *John Edwards*,

Tax to be laid, for erecting Public Buildings, &c.

Dr.

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Dr. *James Payne*, Mr. *John Dawson*, and Mr. *Joseph Howell*; to be applied by them, or the Majority of them, towards erecting the Office, and other Public Buildings, for holding the said Court of Assize in *Edgcomb* County aforesaid: And all the Monies arising by the said Tax within the Counties of *Bladen*, *New-Handover*, and *Onslow*, shall be paid to Mr. *Rufus Marsden*, Col. *Edward Hyrne*, Mr. *Thomas Jones*, Mr. *John Starkey*, and Mr. *Griffith Jones*; to be by them applied towards finishing a Court-house at *Wilmington*, and building a Goal, as they, the said Mr. *Rufus Marsden*, Col. *Edward Hyrne*, Mr. *Thomas Jones*, Mr. *John Starkey*, and Mr. *Griffith Jones*, or the Majority of them, shall think necessary and convenient: All which said Persons shall account with the General Assembly for all the Monies by them respectively received, and applied towards the Uses aforesaid.

Tax to be laid to pay C. Justice & Attorney General's Salaries.

XVI. *AND be it further Enacted, by the Authority aforesaid*, That also a Tax of Four Pence, Proclamation Money, *per Poll*, Annually, shall be levied on each and every taxable Person within this Province, for and during the Term of Three Years, and no longer; and shall be collected by the Sheriff of each respective County of this Province, at the Time all other Taxes are collected and paid; and shall be paid into the General Assembly of this Province, and by them applied towards defraying and paying the said Chief Justice, and Attorney-General, as a Recompence for their Trouble and Expence of going the Circuits: And if any Surplus shall afterwards remain, then the same shall Yearly be applied, by the General Assembly, towards defraying the Public Debts of this Province.

Court of Chancery when held.

XVII. *AND for the better establishing the several Courts of Justice of this Province*, settling when the same shall be held, and for regulating the Proceedings for the speedy hearing and determining the Suits and Actions brought therein; *Be it Enacted*, That the Court of Chancery shall be held at *Newbern* Town, on the Second *Tuesday* after the Meeting of every General Court; and may be adjourned from Day to Day, 'til all the Suits and Business then depending in the said Court of Chancery, shall be finished.

Proceedings of the said Court.

XVIII. *AND be it further Enacted, by the Authority aforesaid*, That the Proceedings of the said Court of Chancery, shall be according to the Rules heretofore made by the said Court, and such as shall be hereafter made by the said Court, for the regulating the Practice therein, and for the speedy carrying on and determining all Suits therein commenced; and that all Rules now made, and hereafter to be made, shall be fixed up in the Office by the Clerk of the Chancery, that all Persons concerned may have Recourse thereto.

General Court established.

XIX. *AND be it further Enacted, by the Authority aforesaid*, That the Supreme and Principal Court of Pleas to be held at *Newbern*, for his Majesty's Province, on the Days and Times herein after directed, shall be, and is hereby established, by the Name of the General Court of *North-Carolina*, and shall consist of the Chief Justice, for the Time being, and Three Associate Justices, to be commissioned by the Governor or Commander in Chief for the Time being, under the Seal of the Province: Which said Associates shall be vested with the same Power and Authority, as Associate Justices in *England* usually have; and shall also, in Case of Sickness or Disability of the Chief Justice, or where he shall be a Party, have full Power and Authority to hold the said Court, and to hear and determine all Causes and Matters cognizable therein.

Process from the said Court to be issued by the

XX. *AND be it further Enacted, by the Authority aforesaid*, That all original Process, either by Writ or Summons, or any other Manner or Means, to bring any Person or Persons whatsoever to answer any Action, Suit, Information, Bill,

or

or Plaintiff, in the General Court, and all and every other Process at the Common Law, whatsoever, (except Summons or Subpœna for Witnesses,) regularly and legally belonging or appearing to, for, or concerning any Cause, Suit, Matter, or Thing, depending, or to be depending or prosecuted, in the General Court, shall be issued by the Clerk of the General Court, and signed by, and bear Test, of the Chief Justice for the Time being.

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Clerk, and signed by the Chief Justice.

XXI. *AND be it Enacted, by the Authority aforesaid,* That all such Writs and Processes, (except Subpœnas to summons Evidences, which may be made returnable immediately,) shall be returnable on the first Day of every General Court, and shall be executed at least Ten Days before the Day mentioned therein for Return thereof: And if any Person takes out original Process whilst the General Court is sitting, or within Ten Days before the Beginning of any General Court, such Process shall be made returnable to the next General Court, after that then sitting or beginning within Ten Days, as aforesaid, and not otherwise; and all such Process issued, made returnable, or executed at any other Times, and in any other Manner, than is herein directed, shall be, to all Intents and Purposes, null and void.

Process when returnable, and in what Time to be executed.

XXII. *PROVIDED always,* That the Two next succeeding General Courts shall be held at *Edenton*, in the Months of *March* and *July*, as usual; and all Process shall bear Test, and be returned to the said Courts, accordingly; and that afterwards, all Process shall bear Test, and be returnable to the General Court, to be held at *Newbern*.

Provide.

XXIII. *PROVIDED also,* That nothing herein contained, shall extend to be construed to invalidate or vacate any Process, Warrant, or other Mandate or Precept, issued by any of the Judges or Justices of the General Court, or other Justices of the Peace, or by the Clerk of the Crown, on any Criminal Prosecution, or in his Majesty's Behalf, but that the same may be returnable to any Day in the Sitting of the General Court, and the Proceedings in all Criminal Suits and Prosecutions, shall be had according to the Laws and Statutes of *Great-Britain*, and this Province; any Thing herein contained to the contrary, in any-wise, notwithstanding.

Criminal Prosecutions returnable at any Time of the General Court.

XXIV. *AND be it further Enacted, by the Authority aforesaid,* That from and after the Fifteenth Day of *July* next, when any Writ shall issue whereby the Sheriff is commanded to take the Body of any Person or Persons to answer unto any Plaintiff or Plaintiffs, in any Action in the General Court, the Sheriff shall return therewith a Bail Bond, with Two sufficient Securities, for double the Sum for which the Person or Persons shall be held in Arrest, (Executors or Administrators excepted,) unless special Cause shewn to the contrary to the Clerks Office, on or before the First Day of every Court.

On a Writ to the Sheriff, he shall return a Bail Bond, with two Sureties, in double the Sum.

Executors and Administrators excepted.

XXV. *PROVIDED nevertheless,* That in all Actions where the Damages are uncertain, and the Defendant in Custody, or hath given Bail to such Action or Actions, it shall and may be lawful for the Defendant to apply to the Chief Justice, or any of the Associate Justices, for a Summons, to summon the Plaintiff, or his Attorney, at such a Time and Place therein mentioned, to appear, and shew Cause of Action against the Defendant; which, if the said Plaintiff fail to do, or, by the Nature of the Action, Bail is not required, the Defendant shall be discharged, and the Plaintiff accept of an Appearance, as in other Cases: And if it shall appear to the said Chief Justice, or any of the Associate Justices, from the Nature of the Action, that Bail is required, the Plaintiff shall swear to his Cause of Action, and the Defendant enter into Bond, with Two Sureties, for double the Sum or Damage sworn to by the said Plaintiff: And if the Sheriff

Proceedings to be had where Damages are uncertain.

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shall not return Bail, or the Bail returned shall be found insufficient on Exception taken, then, and in such Case, the Sheriff shall be deemed, taken, and stand as Special Bail for the Defendant; and the Plaintiff shall not be delayed in his Suit or Action, but shall and may proceed, according to the Rules hereafter mentioned; and on Judgment or Recovery, shall take out Execution against the Defendant, or Sheriff, or both, at his Election; any Law, Usage, or Custom, to the contrary, notwithstanding.

Provide.

XXVI. *PROVIDED* always, That if the Defendant puts in Special Bail before the Time to plead given him by the Rules hereafter mentioned is expired, then the said Sheriff shall be discharged.

Provide.

XXVII. *PROVIDED* also, That the Sheriff may surrender the Defendant, in Discharge of himself, any Time before Judgment is obtained against the Defendant.

Proceedings when
the Deft. is com-
mitted for want
of Bail.

XXVIII. *AND* be it further Enacted, That when any Sheriff shall return, that he hath taken the Body of any Defendant, and committed him to Prison for want of Bail, the Plaintiff may enter the Defendant's Appearance, and the Defendant shall be at Liberty to plead, as if such Appearance had been entered by himself, and the Plaintiff may proceed on to Judgment, as in other Cases in this Act directed; nevertheless, such Defendant shall not be discharged out of Custody, but by putting in Bail.

Penalty on the
Sheriff for not
executing Writs
duly.

XXIX. *AND* be it further Enacted, That if any Sheriff shall neglect to execute any Writ or Writs issuing out of the General Court, which shall be delivered unto him Twenty Days before the Courts Sitting, or any Writ or Writs issuing out of the County Courts, which shall be delivered unto him Fifteen Days before the Courts Sitting, that then the said Sheriff shall, for every such Neglect, at the Motion of the Plaintiff proving such Delivery, be ordered and obliged to pay, to the Party grieved, all Costs and Charges that may accrue in taking out such Writ or Process, and be further liable to the Suit of the Party injured; unless the said Sheriff can shew sufficient Cause, to the Court from whence such Process issued, to be by the Court allowed, why he could not execute the same.

Bail Bond deem-
ed Special Bail.

Proceedings after
final Judgment.

XXX. *AND* be it further Enacted, That no Person who has given Bail Bond to the Sheriff, with sufficient Sureties, and shall be adjudged good by the Court, shall be compelled to put in Special, or any other Bail; but that such Person named in such Bond, shall be deemed and taken to be Special Bail, and liable in the same Manner to the Recovery of the Plaintiff; and that the Plaintiff, after final Judgment, shall not take out Execution against such Bail, until an Execution first be returned, that the Principal is not to be found, to satisfy such Judgment; and shall also take out a *Scire Facias*, returnable to the same Court, which shall be served on the Bail; and that after the Return of such Execution against the Principal, and *Scire Facias* aforesaid, or against the Bail, Execution may issue against the Securities, or their Estates, unless the Bail shall surrender the Defendant at or before the Return of the *Scire Facias*, without any other Process issuing: Any Law, Usage, or Custom, to the contrary, notwithstanding.

Process to be is-
sued where the
Deft. is not to be
found.

XXXI. *AND* for the better ascertaining what Process may or shall be issued when the Sheriff shall return, that the Defendant is not to be found within his Bailiwick; *Be it Enacted*, That where the Sheriff shall make Return as aforesaid, the Plaintiff or Plaintiffs in any Action, shall and may sue out an Attachment against the Defendant's Estate, returnable as is herein before directed for the Return of original and other subsequent Process, whereupon to force an Appearance, or *Capias*, by Continuance, at the Election of the Plaintiff or Plaintiffs; and if the

the Sheriff shall return any Goods by him attached, and if the Defendant do not plead to the said Action within the Time limited, as is hereafter directed, the Plaintiff shall be entituled (if in an Action of Debt,) to a final Judgment, and if in an Action on the Case, to a Judgment by Default, and a Writ of Enquiry of Damages to be executed at the next ensuing Court or Assize; and the Goods so attached, shall remain in the Custody of the Sheriff 'til such Judgment obtained, and then to be disposed of in the same Manner as Goods taken in Execution on a Writ of *Fieri Facias*; and if the Judgment shall not be satisfied by the Goods attached, the Plaintiff may have another Execution for the Residue.

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XXXII. *AND be it further Enacted, by the Authority aforesaid;* That from and after the Ratification of this Act, upon Suspicion of any Person or Persons intending to remove from his Place of Residence, and that he is about to withdraw himself and his Effects out of this Government, so that Process cannot be served on his Body, or that he hath already removed himself, the Chief Justice, or any Justice of the General Court, or any Justice of the County Courts, may grant an Attachment, at the Prayer of the Party to whom such Person removing or absconding is indebted, or hath done any Damage or Injury, against the Estate of such Person, returnable to the Court where the Debt or Matter is cognizable, as is herein directed for original Writs; and that such Attachment shall be deemed the leading Process to such Action, and the same Proceedings had thereon as on an Attachment on a Return of *Non est inventus*, by the Sheriff: But before such Attachment shall be granted, the Party moving for the same, shall make Oath of such his Suspicion, and that he verily believes such Person is about to withdraw himself and Effects, or hath withdrawn himself; and shall also enter into Bond, to the Defendant, with sufficient Sureties, to satisfy all Costs and Damages that may accrue and be awarded to the Defendant, in Case such Plaintiff shall fail to prosecute or be cast therein; which Bond shall be returned by the Justice into the Court where the same is cognizable.

Attachment may be issued, on Suspicion of Persons removing.

XXXIII. *PROVIDED always,* That the Goods so attached in either Case, as afore-mentioned, shall and may be replevied by Appearance, and Special Bail being given, if the Defendant shall be ruled to give Bail by the Court.

Provido.

XXXIV. *AND be it further Enacted, by the Authority aforesaid,* That where any Person, Inhabitant of any other Colony or Place, shall be indebted to, or hath done any Tort or Injury to any Person, resident and an Inhabitant of this Province, and cannot personally be served with any Process, and hath Effects in this Government, any Justice may grant an Attachment, on the Party's making Oath to the Truth of such his Allegation, against the Estate of such Person, returnable into the Court where the Debt or Matter is cognizable, so as to compel an Appearance; and the same Proceedings shall be had thereon, as is before mentioned.

Justice may grant Attachment against Goods of foreign Debtors.

XXXV. *PROVIDED always,* That the Goods so attached, shall and may be replevied by Appearance, and putting in Special Bail, if the Defendant shall be ruled to give Bail by the Court: And if the Party shall be ruled to give Special Bail in any of the aforesaid Cases, and cannot procure such Bail, the Goods so attached shall remain in Custody of the Sheriff, and such Person shall be admitted to plead as if he had given Bail, and the Goods left in the Hands of the Sheriff, after Judgment obtained, shall be liable to the Recovery and Execution of the Plaintiff; and if such Goods are not found sufficient to satisfy the Plaintiff's Judgment, Execution may issue for the Residue, or the Plaintiff may bring his Action on such Judgment, for the Sum unpaid and unsatisfied.

Goods attached may be replevied by Appearance.

XXXVI. AND

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Debtors having
Lands, and leav-
ing the Province
without personal
Estate,

XXXVI. AND whereas divers Persons, possessed of Estates in Lands, Tenements, and Hereditaments, in this Province, having contracted Debts, or which shall hereafter contract Debts with Traders or other Persons residing here, have and may depart the Province, without leaving personal Estate sufficient to satisfy the same; and there not being suitable Provision made, whereby the Lands of such Debtors may be subject to satisfy such Debts: For Remedy whereof,

Justice may issue
an Attachment.

Proceedings to be
had thereon.

XXXVII. *BE it Enacted, by the Authority aforesaid,* That any Justice shall and may grant an Attachment, at the Prayer of the Person to whom such Person or Persons as aforesaid is or are indebted, directed to the Sheriff of the County where the Lands lie, returnable to the Court where the Matter is cognizable: And if the Sheriff returns that the Person hath no Goods to be found in his Bailiwick, the Court shall grant Judgment for the Debt, due Proof thereof being first made; which said Judgment shall be final in Actions of Debt; and in other Actions, a Writ of Enquiry shall, at the Motion of the Plaintiff, be then executed, or at the Assize, according as the Visne is laid; upon which Judgment, a Writ of *Fieri Facias* shall be awarded, returnable to the next succeeding Court.

If no Goods to
be found, Lands
to be subjected.

XXXVIII. *AND be it further Enacted,* That if the Sheriff return the aforesaid Writ of *Fieri Facias*, no Goods to be found in his Bailiwick, in such Case the Court shall nominate and appoint Five Freeholders of the said County, who, on Oath, shall value and appraise the Lands of the said Defendant, or so much thereof as shall be sufficient to satisfy the aforesaid Judgment, and all accruing Costs, and shall return such Appraisement, under their Hands, to the next succeeding Court after such Appraisement; and thereupon the Court shall order the Lands so appraised to be put into the Possession of the Plaintiff, at the appointed Value; which order shall be a good and sufficient Title to the Plaintiff, his Heirs and Assigns, for ever, against the Defendant, his Heirs or Assigns: Any Sale of such Lands made in Foreign Parts, Act, Law, Usage, or Custom, to the contrary, notwithstanding.

Rules in the Ge-
neral Court.

XXXIX. AND for a more speedy Determination of all Causes depending in the General Court, than can possibly be obtained by the present Practice, *Be it Enacted, by the Authority aforesaid,* That from and after the Fifteenth Day of August next, these following Rules and Methods shall be observed; *to wit,*

T H A T the Plaintiff shall file his Declaration on or before the Second Day of every Court or Term, in the Office of the Clerk of the General Court, and serve the Defendant with a Copy of such Declaration, at least Ten Days before the Sitting of the Court to which such Suit is brought; or a Non-profs shall be entered by the Defendant.

T H A T the Defendant shall appear, and plead, or demur, within the first Four Days of the Term to which the Writ is returnable; otherwise the Plaintiff shall have Judgment by Default, which, in Debt, shall be final, unless the Damages are to be suggested on the Roll; in that Case, and in all Actions where the Plaintiff shall recover in Damages, a Writ of Enquiry shall be executed the next Court, or at the Assizes: Provided, that where the Nature of the Action requires Special Pleading, the Court may enlarge the Time, on sufficient Cause shewn.

T H A T where the Defendant pleads specially, the Plaintiff shall reply in Four Days, or a Non-profs shall be entered by the Defendant; and if the Plaintiff replies, and in his Replication, tender an Issue, the Defendant shall join Issue, or demur, in Four Days; and when the Defendant rejoins to the Plaintiff's Replication,

plication, he shall file his Rejoinder in Four Days, or Judgment shall, in either Case, go against the Defendant, by Default, unless the Time for such Pleadings shall be enlarged by the Court, as aforesaid; and the same Time shall be given, and Rules observed, through the whole Course of Pleading. A. D. 1746.

T H A T all Issues shall be tryed at the next succeeding Court, or at the next Assize, after the Issue joined, without any Notice given by the Attorney of either Side; nor shall such Cause be continued or delayed, unless Special Cause be shewn to, and approved of, by the Court.

T H A T the Clerk of the General Court shall enter, in a particular Docket for that Purpose, all such Cases, and those only, in which any Issue is to be tryed, Writ of Enquiry to be executed, Special Verdict or Demurrer to be argued, in the same Order as they stood in the Course of Proceedings.

T H A T where a Special Verdict shall be found, or where there shall be a Demurrer to Evidence, or Bill of Exception, Time shall be allowed, upon Motion of either Party to the next General Court, to argue the same.

T H A T for the more entire and better Preservation of the Records of the Court, where any Cause is finally determined, the Clerk shall enter all the Proceedings therein, and other Matters relating thereto, in a Book, to be kept for that Purpose, so that an entire and perfect Record may be made thereof.

T H A T all Causes to be tryed by Jurors, be first heard.

T H A T all Motions in Arrest of Judgment, shall be argued in the Four last Days of the Term the Issue is tryed, or the Court after any Issue shall be tryed at the Assize; the Defendant's Attorney first serving the Plaintiff's Attorney with a Copy of his Reasons in Arrest of Judgment, the next Day after such Motion.

T H A T all Arguments on Writs of Error, Special Verdicts, and Demurrers, be heard on the Four last Days of the Term, and at no other Time.

XL. *AND be it further Enacted*, That all the Statutes of Jeofails which are now in Force in *England*, are hereby declared to extend and be in Force here; and that the same be duly observed by all Judges and Justices of the several Courts of Record within this Province, according to the true Intent and Meaning of the said Statutes; any Law, Usage, or Custom, heretofore made to the contrary, notwithstanding.

Statutes of Jeofails in Force here.

XLI. *A N D* to the End that a certain Time be limited for the Sitting of the General Court, and that Persons who have any Suit or Matter there depending, may the better know when to attend, and that their Business may be the better dispatched; *Be it Enacted, by the Authority aforesaid*, That the General Court shall be held at *Newbern* Twice every Year, *to wit*, On the Second *Tuesdays* in *September* and *March*, Yearly; and every Court shall continue to be held Twelve Days, *Sundays* exclusive, and no longer.

General Court when and where to be held.

XLII. *P R O V I D E D* nevertheless, That if all Suits and other Matters depending in the said Court, shall be ended in less Time than the Days appointed by this Act for the said Court to be holden, it shall and may be lawful to adjourn the same until the next succeeding General Court.

Proviso.

A. D. 1746.

First General
Court when and
where to be held.

XLIII. *AND be it further Enacted, by the Authority aforesaid, That the first General Court to be held at Newbern, shall begin on the Second Tuesday in September, next after the Ratification of this Act; to which Time and Place, all Business depending in the General Court in July next, shall stand continued and adjourned.*

Rules for taking
Affidavits of
Witnesses.

XLIV. *AND forasmuch as in many Cases in the Tryal of Matters of Fact in the General Court, it may be necessary to examine several Witnesses, that the Truth in such Cases may be the better known; Be it Enacted, by the Authority aforesaid, That the following Orders, Rules, and Methods, in taking of Affidavits of Witnesses, in all Cases depending, or to be depending, in the said Court, and every of them, be observed and put in Practice; to wit,*

T H A T in all Causes where Witnesses are to appear at the General Court, a Summons shall be issued by the Clerk, for the Time being, directed to the Sheriff of the County where such Persons reside, expressly mentioning the Time and Place where the Witnesses are to appear, and the Names of the Parties to the Suit wherein they are to give Evidence, and at whose Request they are summoned.

T H A T every Subpoena, made returnable immediately, shall be personally served on any Person, who is thereby summoned as a Witness to attend the General Court.

T H A T a Copy of any Subpoena or Summons, issued by the Clerk in the Vacation, and returnable on the first Day of Court, or any other Day of the Court, or on the first Day of the Assize, in Case the Person therein named be not found at home at the Time of going to serve the same, left at the usual Residence or Abode of such Witness or Witnesses therein named, by the Sheriff, Five Days before the Return of such Writ, shall be deemed a good and valid Service, and the Person thereby bound to appear.

Penalty on Wit-
nesses failing to
attend.

XLV. *AND be it further Enacted, That if any Person be summoned to attend accordingly, every such Person so failing, shall forfeit, to the Person or Persons at whose Suit the Summons issued, Twenty Pounds, Proclamation Money; and shall be further liable to an Action on the Case, for what Damages such Person shall sustain, for Want of such Witness's Testimony.*

Proviso.

XLVI. *PROVIDED* always, That if sufficient Cause be shewn by the Person so summoned, and failing to appear, of his or her Incapacity to attend, at the Time he or she ought to have appeared, then no Forfeiture or Penalty shall be incurred by such Failure: But if sufficient Cause be not shewn, at the next succeeding Court after such Failure, on Notice given, it shall and may be lawful for the said Court, upon Motion of the Party for whom such Witness was summoned, to grant Judgment for the Forfeiture afore-mentioned, against the Person or Persons so summoned and failing to appear, as aforesaid.

Witness unable
to attend, Depo-
sition may be
taken.

XLVII. *AND be it further Enacted, That if any Witness, by Sickness, Age, or other lawful Disability, be incapable of attending to give his or her Evidence, according to such Summons, on Oath made thereof, the Judge or Justices of the General or County Court where such Suit is depending, shall or may, by a Commission or Commissions, from Time to Time, as Need may require, empower such, and as many Persons as they shall think fit and necessary, in any County within this Government, to take and receive all and every of the Depositions of any Person or Persons so disabled, as aforesaid.*

XLVIII. *PRO-*

A. D. 1746.

Proviso.

XLVIII. *PROVIDED* always, That the Party praying for, and obtaining such Commission or Commissions, for taking and receiving any Depositions aforesaid, shall make known to the other Party against whom the same is to be taken, the Time and Place of the Execution of every such Commission, at least Ten Days before the Day appointed for such Execution; who shall have Liberty to cross examine such Witnesses; and all Depositions otherwise taken than is herein directed, shall be, to all Intents and Purposes, null and void.

XLIX. *AND be it further Enacted*, That if any Persons whosoever, be summoned as a Witness, and upon his or her Appearance in the General or County Court, or before the Person appointed to take Depositions as aforesaid, shall refuse to give Evidence, upon Oath, such Person so refusing, shall immediately be thereupon committed to the Common Goal, there to remain, without Bail or Mainprize, until he or she shall be willing to give Evidence, upon Oath, in such Manner as the Law now doth, or at any Time hereafter, shall direct.

Penalty on Persons refusing to give Evidence.

L. *PROVIDED* always, That the People called *Quakers*, shall have the same Liberty of giving their Evidence, by Way of Solemn Affirmation or Declaration, as by an Act of Parliament, made in the Eighth Year of the Reign of the late King George, intituled, *An Act, for granting to the People called Quakers, such Forms of Affirmation or Declaration, as may remove the Difficulties which many of them lie under*; and that all Negroes, Mulattoes, bond and free, to the Third Generation, and Indian Servants or Slaves, shall be deemed and taken to be Persons incapable, in Law, to be Witnesses in any Cause whatsoever, except against each other.

Negroes, &c. to give Evidence only against one another.

LI. *AND be it further Enacted*, That during the Attendance of any Person, summoned as a Witness at the General or County Courts, and as the said Person shall be going to, and returning from the Place of such Attendance, allowing One Day for every Twenty Five Miles such Person's Residence shall be distant from the same, no Person whosoever shall serve or execute, or cause to be served or executed, upon any Person so attending, going to, or returning from, such Place of Attendance as aforesaid, any Writ, Process, Warrant, Order, Judgment, or Decree, in any Cause; and if such shall be served or executed, the same shall be void, to all Intents and Purposes.

Witnesses exempt from Process, during Attendance.

LII. *AND be it further Enacted*, That for every Mile any Person shall travel, either in going to, or returning from, the Place where he or she shall be summoned to appear as a Witness, there shall be paid to him or her, by the Person or Persons on whose Behalf the Summons issued, Three Half Pence, Proclamation Money, *per* Mile, together with the necessary Charges of Ferriage, in going and returning, and Two Shillings, Proclamation Money, *per* Day, for every Day's Attendance, from the Time appointed for Appearance, until the Time such Person shall have given his or her Evidence, or shall be discharged.

Allowance for Evidences.

LIII. *AND be it further Enacted*, That in any Bill of Costs, there shall not be allowed the Charge of above Three Witnesses to the Proof of any one particular Matter of Fact.

3 Witnesses allowed to one Fact.

LIV. *PROVIDED* always, That no Suit shall be brought to the General Court, for a less Sum than Five Pounds, Proclamation Money; unless the Plaintiff and Defendant live in different Counties.

No Suit to be in the Gen. Court for less than 5 l.

LV. *AND* for the better Establishing the County Courts within this Province, and regulating the Proceedings therein; *Be it Enacted*, That in every County

County Courts Established.

A. D. 1746.

County within this Government respectively, there shall be held Four Courts in the Year, at such Times and Places as heretofore, according to antient Custom and Usage, hath been known, used, and practised.

Three Justices to make a Court to try all Matters by them cognizable.

LVI. *AND be it Enacted, by the Authority aforesaid,* That the Justices of the aforesaid County Courts, or any Three of them, shall and may take Cognizance of, and are hereby declared to have full Power, and lawful Authority, and Jurisdiction, to hear, try, and determine, all Causes, Actions, Suits, Matters, and Things, at Common Law, where the Debt, Damages, and Cause of Action, is above Forty Shillings, Proclamation Money, and does not exceed Twenty Pounds like Money; (Actions of Trespass in Ejectment, Writs of Formedon in Decender, Remainder, and Reverter, always excepted;) and all Petty Larcenies, Assaults, Batteries, and Trespasses, Breaches of the Peace, Crimes, Offences, and all other Misdemeanors, of what Kind soever, of an inferior Nature, may hear, (Forgery and Perjury excepted,) by Indictment, Information, or Presentment; and all Matters pertaining to Orphans, and their Estates, and all Petitions for filial Portions and Legacies, or other Parts of Intestates Estates: And that the said Justices of the Peace, and every of them, from Time to Time, and at all Times, during their Continuance in that Office, as well out of Court, as within, shall have full Power and Authority, as amply and fully, to all Intents and Purposes, as Justices of the Peace in the Counties in *England*, as well out of their Court of Quarter Sessions, as within, to preserve, maintain, and keep the Peace within their respective Counties; and in the hearing, trying, and determining of all Causes, according to the Authorities and Powers granted to them by this Act, or which shall be granted to them by any other or more Act or Acts, and every of them, shall proceed to do Justice, to all Persons whatsoever, according to Law.

Their Power out of Court.

Attorney General to appoint a Deputy in each County.

LVII. *AND be it further Enacted,* That the Attorney-General, for the Time being, is required and authorized to appoint a Deputy in each County within this Province; which said Deputy shall and may prosecute all Matters, cognizable in the County Court, for and in Behalf of his Majesty, and shall take and receive Thirteen Shillings and Four Pence, Proclamation Money, on each and every Bill of Indictment found, or Presentment made, in the said Court in which he is or shall be Deputy.

County Courts when held.

LVIII. *AND* that all Persons may be at the greater Certainty when to attend the said Courts; *Be it Enacted, by the Authority aforesaid,* That the Courts of the several Counties shall be holden on the respective Days, and at the respective Places they were usually held, and shall not be adjourned to any other Time than the next succeeding Court which shall be in Course, Quarterly.

Court's Power to adjourn.

LIX. *PROVIDED* always, That if it shall so happen, that all the Causes depending, or to be depending in any of the said Courts, cannot be heard, tryed, and determined, upon the Day appointed for holding the Courts respectively, that then, and in all such Cases, it shall and may be lawful for the Justices of such Courts, to adjourn and hold the Court, *de Die in Diem*, so as the said Court shall not continue to be held longer than Five Days; in which Time, all Causes and Controversies then depending before them, shall be heard, tryed, and determined, or continued over until the next Court in Course.

Rules in the County Courts.

LX. *AND* for the regular and speedy Prosecution and Determination of all Actions and Suits in the said County Courts, *Be it Enacted, by the Authority aforesaid,* That the following Rules and Methods shall be observed, to be the Practice of the several County Courts within this Province: That all Writs, Summons, or other Process, to bring any Person or Persons into Court, from and after

after the said Fifteenth Day of *July*, next after the Ratification of this Act, shall be signed and bear Test by the Clerk of the County Court from whence such Process issues:

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LXI. *AND be it further Enacted, by the Authority aforesaid*, That all such Writs, Summons, or other Process, (except Subpœnas to summon Evidences, which may be made returnable immediately,) shall be returnable on the First Days of such Court, and shall be executed at least Five Days before the Day mentioned therein for Return thereof; and all Declarations shall be served at least Five Days before the Day of the Sitting of the Court: And if any Person issues any Writ or Process whilst such Court is sitting, or within Five Days before the Beginning of any County Court, such Writs or Process shall be returnable to the County Court after that then sitting or beginning within Five Days, as aforesaid, and no otherwise; and all Writs and Process issued, made returnable, or executed, at any other Times, and in any other Manner than is herein directed, shall be null and void.

Writs, &c. when returnable, and in what Time to be executed.

LXII. *PROVIDED always*, That nothing herein contained, shall extend or be construed, to invalidate or vacate any Writ, Process, Warrant, or Precept, issued by any of the Justices of the County Courts on any Criminal Prosecution, or in his Majesty's Behalf, but the same may be returnable on any Day in the Sitting of the said Court; and the Proceedings in all Criminal Suits and Prosecutions, shall be had according to the Laws and Statutes of *Great-Britain*, and this Province: Any Thing herein contained to the contrary, in any-wise, notwithstanding.

Except in Criminal Matters, &c.

LXIII. *AND be it further Enacted, by the Authority aforesaid*, That from and after the said Fifteenth Day of *July*, when any Writ shall issue to take the Body of any Person to answer unto any Plaintiff, in any Action in a County Court, the Sheriff shall return therewith a Bail Bond, with Two sufficient Securities, for double the Sum for which the Person shall be held in Arrest, (Executors and Administrators only excepted,) to the Clerk, on or before the first Day of every Court; and if the Sheriff shall not return Bail, or the Bail so returned shall be found insufficient, upon Exception taken thereto, then, and in such Case, the Sheriff shall be taken and stand as Special Bail for the Defendant, and the Plaintiff shall not be delayed in his Suit or Action, but shall and may proceed, according to the Rules hereafter mentioned; and on Judgment, or Recovery, shall take out Execution against the Defendant or Sheriff; any Law, Usage, or Custom, to the contrary, notwithstanding.

Sheriff's Duty, on a Writ to take the Body of any Person.

Or what liable to,

LXIV. *PROVIDED always*, That if the Defendant puts in Special Bail, before the Time to plead given him hereafter mentioned is expired, then the said Sheriff shall be discharged.

Proviso,

LXV. *PROVIDED also*, That the Sheriff may surrender the Defendant, in Discharge of himself, any Time before final Judgment is obtained against the Defendant.

Proviso,

LXVI. *AND be it further Enacted, by the Authority aforesaid*, That from and after the said Fifteenth Day of *July*, the Defendant shall enter his Appearance, and file his Plea, whether General or Special, the first Court, which, if he fail or neglect to do, the Plaintiff shall have Judgment, by Default; which said Judgment, in Actions of Debt, shall be final, except where Damages are to be suggested on the Roll, in which Cases, and all others where the Plaintiff shall recover in Damages, a Writ of Enquiry shall be executed the next Court.

Rules to be observed in the County Courts,

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T H A T all Issues, whether General or Special, shall be joined, tryed, and argued, the next succeeding Court; unless sufficient Cause is shewn to such Court, why such Causes shall be continued or laid over to the next Court then succeeding.

T H A T all Causes at Issue, ready for Tryal, shall be first heard and tryed.

T H A T every Motion in Arrest of Judgment, shall be made and argued, *Ore Tenus*, the last Day of the same Court the Issue is tryed.

T H A T where any Special Verdict shall be found, or Demurrer to Evidence filed, at the Motion of either Party, Time shall be allowed to the next succeeding Court for hearing.

T H A T the Clerk of every County Court, when any Cause is finally determined, shall enter all the Pleadings and other Matters relating thereto, into a Book, to be kept for that Purpose, that an entire and perfect Record may be made up.

Appeals how
granted.

LXVII. AND for granting of Appeals from the County Courts, to the General Court, and obtaining Writs of Error to the County Court; *Be it Enacted, by the Authority aforesaid*, That when any Person or Persons, either Plaintiff or Defendant, shall be dissatisfied with the Judgment of the County Court, and pray an Appeal to the General Court, such Person or Persons, before such Appeal shall be granted, shall enter into a Recognizance, with Two sufficient Sureties, for prosecuting the same, and to perform the Judgment of the General Court, and pay the Condemnation Money, in Case the Appellant shall be cast in the said Suit.

Writs of Error
how obtained.

LXVIII. AND because it often happens, that in issuing of Process, carrying on the Proceedings, and in rendering Judgment in the said County Court, there is Error, to reverse Judgment; *Be it Enacted*, That when any Defendant is desirous to prosecute a Writ of Error, he shall move the County Court where such Suit is depending, to allow a Writ of Error, he first entering into a Recognizance as above mentioned; and the said County Court is hereby to allow thereof, as if such Writ of Error was then and there produced.

Rules of Court
in Appeals and
Writs of Error.

LXIX. AND for carrying on, and prosecuting such Appeals and Writs of Error, to and from the General Court; *Be it Enacted, by the Authority aforesaid*, That the following Rules and Methods of Practice shall and may be observed; *to wit*,

T H A T when any Person, either Defendant or Plaintiff, conceives he is injured by any Judgment given in the County Court, he may appeal to the General Court, in Manner and Form as above directed; and a Transcript of the Proceedings of the County Court, shall be filed with the Clerk of the General Court, Fifteen Days before the Sitting of the Court, and a Tryal *de Novo* thereon shall be had at the said General Court, or Court of Assize, where the Visne is laid in any County where the Assize is held, and a Transcript of the Proceedings of such County Court shall be sent down from the General Court to the Assize, in Order for such Tryal, without further Notice given by either Party; and if such Transcript of the Proceedings is not filed within the Time aforesaid, with the Clerk of the General Court, or if the Appellant shall fail to appear at the General Court, to prosecute his Appeal, then the Judgment of the County Court shall be affirmed; provided, that there shall be Thirty Days between the Day of Tryal

in

in the County Court, and the next succeeding General Court: But when it so happens, that there are not Thirty Days between such Tryal and the General Court, such Appeal shall be continued, and a Transcript of the Proceedings transmitted to the General Court then next following: And where any Defendant will prosecute a Writ of Error, he must move the County Court where the same is depending, and enter into a Recognizance, as before mentioned, whereupon a Transcript of the Proceedings shall be filed with the Clerk of the General Court, Fifteen Days before the Court; and the Defendant prosecuting such Writ of Error, shall assign and file Errors Fifteen Days before the Court; and in Case such Defendant shall neglect to file such Writ, and assign Error, as aforesaid, or shall fail to appear and argue such, then the Judgment of the County Court shall be affirmed: Provided, that there shall be Thirty Days between such Motion for obtaining a Writ of Error, and the Time of holding the General Court.

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LXX. AND in Order to oblige the Clerks of the County Courts to draw Transcripts in such Causes where an Appeal is granted, or Writ of Error allowed; *Be it Enacted*, That in every County Court within this Government, when an Appeal shall be granted, or Writ of Error allowed, the Clerk of such Court shall immediately make up a full and perfect Record of all the Proceedings in such Causes, and shall, within Twelve Days after the Adjournment of the said Court, give an attested Transcript of such Record to the Person appealing, or to whom the Writ of Error is allowed; and every Clerk neglecting to do the same, shall forfeit and pay, to the Appellant, or Defendant, the Sum of Five Pounds, Proclamation Money; to be recovered, by such Appellant or Defendant, by Action of Debt, Bill, Plaint, or Information, in the County or General Court; wherein no Essoign, Injunction, or Wager of Law, shall be allowed of: And the said Clerk shall also be liable to an Action on the Case for Damages, to be recovered by the Person who is hereby intituled to an attested Transcript.

Clerk to draw a Transcript of the Proceedings, and deliver it to the Party within 12 Days, on Penalty of 5 l.

LXXI. AND *be it further Enacted, by the Authority aforesaid*, That all and every Clerk and Clerks, of the several County Courts within this Province, shall be obliged to attend, One Day in every Week, either at his Place of Abode in the said County, or at the Clerk's Office, *to wit*, every Monday, from Nine of the Clock in the Morning, 'til One, and from Two, 'til Five, in the Afternoon; and every Clerk, on Failure thereof, and neglecting the Business of the County, for his Non-attendance, shall forfeit and pay, to any Person who hath Business with the said Clerk, and wants any Thing from his Office, who will sue for the same, Five Pounds, Proclamation Money; to be recovered by Action of Debt, Bill, Plaint, or Information; wherein no Essoign, Injunction, or Wager of Law, shall be allowed of.

Clerks to attend 1 Day in every Week at their Offices, on Penalty of 5 l.

LXXII. AND *be it further Enacted, by the Authority aforesaid*, That no Writ, Process, Action, Suit, Complaint, or Prosecution, depending in the General or County Courts within this Province, shall be discontinued by Reason or Cause of Sicknefs happening to the Chief Justice, or any of the Justices of the County Courts, or on his or their failing to meet on the Day, and at the Time appointed, to hold such Court and Courts; but that all Writs, Processes, Actions, Suits, Complaints, Prosecutions, and all Matters and Things incident thereto, shall be continued, and be in Force and Virtue, as if such General and County Courts had been regularly holden; and that it shall and may be lawful for any Associate Justice, in the General Court, or any one Justice of the County Court, to adjourn the said Court, *de Die in Diem*; any Law, Custom, or Usage, to the contrary, notwithstanding.

No Suit to be discontinued by C. Justice's not meeting.

LXXIII. AND *be it further Enacted, by the Authority aforesaid*, That the Act, intituled, *An Act, for ascertaining the Time and Method for executing and Return*

Acts repealed.

A. D. 1746.

Return of original Writs, and for the better regulating divers Proceedings in the Court of Pleas; the Act, intituled, An Act, concerning Evidences; the Act, intituled, An Act, for the Relief of such Creditors whose Debtors, having Lands in this Government, depart without leaving personal Estate sufficient to pay their Debts; and so much of the Act, intituled, An Act, concerning Appeals and Writs of Error, as any Way relates to Appeals and Writs of Error; the Act, intituled, An Act, for Regulating Proceedings on original Attachments; and the Act, intituled, An Act, for appointing Circuit Courts, and for Enlarging the Power of the County Courts; and every Clause and Clauses, Article and Articles of them, and of every of them, as are within the Purview of this Act, is and are hereby Repealed, to all Intents and Purposes whatsoever.

SIGNED by

GABRIEL JOHNSTON, Esq; Governor.

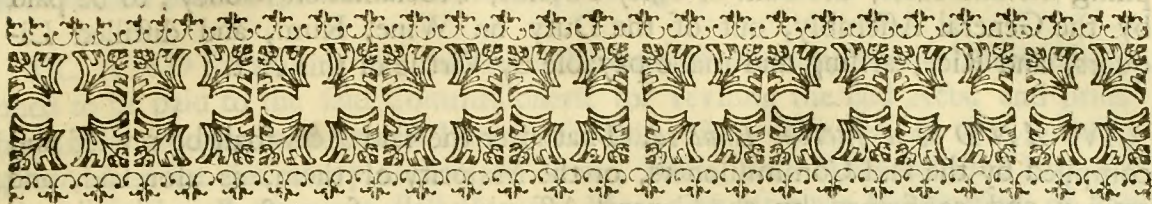
Eleazer Allen, President.

SAMUEL SWANN, Speaker.



Anno

A. D. 1746.



Anno Regni

GEORGE II,

Regis, *Magnæ Britanniae, Franciæ, & Hiberniæ, Viceffimo.*

At a General ASSEMBLY, held at *Newbern*, the Seventh Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Forty Six.

GABRIEL
JOHNSTON,
Esq; Governor.

C H A P. I.

An Act, for appointing Commissioners to Revise and Print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice, imported into this Province.

I. **W**HEREAS for Want of the Laws of this Province being Revised and Printed, the Magistrates are often at a Loss how to discharge their Duty, and the People transgress many of them through Want of knowing the same: Wherefore,

Preamble.

II. **W**E pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same,* That the Honourable *Edward Moseley, Esq; Samuel Swann, Esq;* the Honourable *Enoch Hall, Esq;* and Mr. *Thomas Barker,* or the Majority of them, be, and they are hereby nominated and appointed Commissioners, to Revise and Print the several Acts of Assembly in Force in this Province.

Commissioners
appointed to re-
vise and print the
Laws.

III. *AND be it further Enacted,* That the said Commissioners shall revise the said Acts of Assembly, and compile them in one Body, and make an Index, Marginal Notes, and References thereto, and shall lay the same before the next succeeding General Assembly after they shall have so revised and compiled them, to be ratified and confirmed; and such only of the said Commissioners as shall

To make an In-
dex, Marginal
Notes, and Re-
ferences; and to
be paid 60 l. for
their Trouble.

A. D. 1746.

revise the Laws, shall have and receive, for their Trouble in revising and compiling the said Acts, the Sum of Sixty Pounds, Proclamation Money; to be paid by the General Assembly, out of the Duty on Wine, Rum, and distilled Liquors, and Rice, arising and made payable by Virtue of this Act.

Laws to be printed, and Copies to whom to be given to.

IV. *AND be it further Enacted*, That after the said Acts shall be revised and compiled by the said Commissioners, or the Majority of them, as aforesaid, and ratified and confirmed by the General Assembly, the same shall, with all convenient Speed, be printed, by the said Commissioners, or the Majority of them, who shall furnish and deliver several Books of the said Laws, well bound, and Lettered on the Back, to the several Officers, Offices, and Courts, herein after mentioned; that is to say, One to his Excellency the Governor, One for the Use of his Majesty's Council, One for the Use of the General Assembly, One for the Use of the Secretary's Office, One for the Use of the General Court, and One to each and every County Court respectively in this Province: And such only of the said Commissioners who shall revise the Laws as aforesaid, shall have and receive, for printing the said Acts, and furnishing and delivering the several Books aforesaid, the Sum of One Hundred Pounds, Proclamation Money; to be paid by the General Assembly, out of the Money arising by the Duty before mentioned; and also, the Benefit and Advantage of the sole Printing and Vending the Books of the said Laws, for and during the Space or Term of Five Years; and shall not take or receive above the Sum of Fifteen Shillings, Proclamation Money, for each Book by them so printed.

For which, Commissioners to be paid 100 l. and to have the sole Vending for five Years.

Persons offering any Books to Sale contrary to this Act, to forfeit 5 l. for each Book.

V. *AND be it further Enacted, by the Authority aforesaid*, That if any Person or Persons shall import into this Province, any printed Book or Books, or shall sell, or offer to Sale, any printed Book or Books of the said Laws, within the Term of Five Years, without the Licence of the said Commissioners, their Heirs or Assigns, other than such as shall be printed by the Order and Approbation of the said Commissioners, their Heirs or Assigns, such Person or Persons shall forfeit and pay, to the said Commissioners, their Heirs or Assigns, the Sum of Five Pounds, Proclamation Money, for each and every Book so imported, sold, or offered to sale, contrary to the true Intent and Meaning of this Act; to be recovered in the same Manner as other Forfeitures in this Act.

Surplus Money applied.

VI. *AND be it further Enacted, by the Authority aforesaid*, That if any Surplus of the Money arising by Virtue of this Act, shall remain, after Payment of the said several Sums to the Commissioners aforesaid, for revising and compiling, printing, furnishing, and delivering the said several Books aforesaid, the same shall be applied, by the General Assembly, for and towards discharging the Public Debts of this Province.

Printed Laws to be given in Evidence.

VII. *AND be it further Enacted, by the Authority aforesaid*, That the several Books of the Laws, revised and printed by the said Commissioners, or the Majority of them, as aforesaid, shall be allowed to be given in Evidence in all and every of the Courts of Judicature in this Province, and before any Magistrate or Magistrates, in any Matter or Controversy depending before them.

Secretary to give a Copy of the Laws to the Commissioners.

VIII. *AND for furnishing the Commissioners aforesaid with a true and perfect Copy of the said Laws, Be it Enacted*, That the Secretary of this Province shall make out and deliver, to the said Commissioners, or the Majority of them, a true and perfect Copy of the said Laws now in Force, and the Titles of such as have been repealed or become obsolete, which shall be by the said Commissioners, or the Majority of them, examined with the Original; for which Copy, and for transcribing and sending Copies of this Act to the several Receivers of the Duties laid in this Act, (which he is hereby required immediately to do,) he shall have and

and receive the Sum of Twenty Pounds, Proclamation Money; to be paid by the General Assembly, out of the Money arising by Virtue of this Act. A. D. 1746.

IX. AND for raising the said several Sums of Money, herein before mentioned to be paid to the said Commissioners, for revising the said Acts, and printing and delivering the several Books aforesaid; *Be it Enacted, by the Authority aforesaid,* That for every Gallon of Wine, Rum, and other distilled Liquors, which, from and after the first Day of May, next after the Ratification of this Act, shall be imported or brought into this Government, from any Port or Place, (*Great-Britain* excepted,) either by Land or Water, the Duty of Three Pence, Proclamation Money, or Bills equivalent, or the Value thereof in the same Liquor for which the Duty is payable, at the Rate of Two Shillings and Eight Pence, Proclamation Money, *per* Gallon, provided the Sum payable amounts, in the Whole, to, and is paid in, a full Cask of the said Liquors, containing Fifteen Gallons, which shall be sold at Public Vendue, to the highest Bidder, for ready Money, first giving Ten Days Notice of such Sale; and also, the Duty of Three Shillings and Four Pence, Proclamation Money, for every Hundred Pounds of Rice, that shall be imported as aforesaid, shall be paid by the Importer or Owner of the same, until the first Day of May, which shall be in the Year of our Lord One Thousand Seven Hundred and Forty Nine, and no longer.

Duty on Liquors
and Rice laid, to
defray Charges.

X. AND *be it further Enacted,* That no Wine, Rum, or other distilled Liquors, or Rice, shall be landed, put on Shore, or any other Way delivered, out of the Vessel importing the same, before due Entry, on Oath, made thereof, with the Officer or Officers in this Act hereafter appointed, for receiving of the Duties in the Port or Place where the same shall be imported, or before the said Duty shall be fully satisfied and paid, or secured to be paid, and a Permit had, under the Hand of the Officer or Officers, for landing or Delivery thereof; and that all Liquors or Rice landed or put on Shore contrary to the Directions, and true Intent and Meaning of this Act, or the Value thereof, shall be forfeited; One Half to his Majesty, for the Use of the Public, and the other Half to him or them who will inform or sue for the same; to be recovered as in this Act hereafter is directed.

Liquors and Rice
not to be landed
till Duty paid.

XI. AND *be it further Enacted,* That any Person or Persons, bringing any Wine, Rum, or any distilled Liquors, exceeding one Gallon of Wine, Rum, or any distilled Liquors, or above One Hundred Weight of Rice, from any other Colony, into this Province, by Land, shall, in Ten Days after he or they have or hath lodged or housed the same, make a due Report, on Oath, of the Quantity of such Wine, Rum, or any distilled Liquors, or Rice, by him or them brought in, to the Officer or Officers of the respective Ports appointed by this Act to receive the Duty; and on Default thereof, shall forfeit Three Pounds, Proclamation Money; to be applied and recovered as aforesaid.

If brought in by
Land, Report to
be made in ten
Days, on Pen.
of 3 l.

XII. AND *be it further Enacted,* That if any Person or Persons shall pay any of the Duty or Custom aforesaid in Silver or Gold Coin, of his or their Importation into this Government, to be proved by the Oath of the Party or Parties paying the same, such Person or Persons shall have an Abatement or Allowance on the Duty aforesaid so paid and satisfied, of Fifteen *per Cent.* and every Officer appointed in Virtue of this Act to collect the said Duty, are hereby authorized and required to make the same Allowance or Abatement accordingly.

Duty paid in im-
ported Cash, 15
per Cent. allowed.

XIII. AND *be it further Enacted, by the Authority aforesaid,* That no Collector of any of the aforesaid Ports, shall clear any Ship, Vessel, or Boat, before the Master shall produce a Certificate, signed by some one of the Receivers appointed in Virtue of this Act, that he hath paid the Duties aforesaid of the Wine, Rum,

Collector not to
clear any Vessel
till Duty paid,

A. D. 1746.

on Pen. of 201.

Rum, and other distilled Liquors, or Rice, imported by him into this Province, under the Penalty of Twenty Pounds, Proclamation Money; to be recovered and applied as other Forfeitures in this Act, relating to the collecting and paying the said Duties, are to be recovered and applied.

Officers allowed
6 per Cent.

XIV. *AND be it further Enacted*, That the Officers appointed for collecting and receiving the said Duties, shall be allowed Six per Cent. for all such Sums they shall receive in Virtue of this Act.

Officers appoint-
ed.

XV. *AND be it further Enacted*, That Mr. *William Rofs*, be, and is hereby nominated and appointed Receiver of the said Duty in the Port of *Brunswick*, and shall reside at *Brunswick*, to receive the said Duty on the said Liquors or Rice imported in such Vessel or Vessels which shall enter in the Port of *Brunswick*: And that Mr. *Thomas Lovick*, and Mr. *James Macklewean*, be, and are hereby nominated and appointed Receivers of the said Duty in the Port of *Beaufort*; to wit, The said *Thomas Lovick* to reside at *Core-Sound*, to receive the said Duty on the said Liquors, and Rice, imported in such Vessel or Vessels which shall lade or unlade in *Core-Sound*, or *Bear Inlet*; and the said *James Macklewean* shall reside at *Newbern*, and shall receive the Duty aforesaid on the said Liquors, and Rice, imported in such Vessel or Vessels which shall lade or unlade in *Neus River*: And that Mr. *Andrew Conner*, be, and is hereby nominated and appointed Receiver of the said Duty in the Port of *Bath*: And that Mr. *John Lovick*, Mr. *William Persons*, Mr. *James Wilson*, and Mr. *John Edwards*, be, and are hereby nominated and appointed Receivers of the said Duty in the Port of *Roanoak*; who shall reside and keep their Offices at the several Places hereafter mentioned; to wit, The said Mr. *John Lovick*, at or near *Eden House*, or *Edenton*; Mr. *John Edwards*, in *Northampton County*; Mr. *William Persons*, in *Granville County*; Mr. *James Wilson*, at *Benner's-Creek Bridge*, in *Chowan County*: And Mr. *Andrew Duke*, is hereby nominated and appointed Receiver of the said Duty in the Port of *Currituck*: Which said Receivers, respectively, shall give sufficient Security, payable to his Majesty, in the Sum of Two Hundred Pounds, Proclamation Money, for the Use of the Public, for his faithful Discharge of his Duty by this Act directed: And in Case of the Death, or Removal out of this Province, or Refusal to act, of all or any of the Receivers, it shall and may be lawful for the Governor or Commander in Chief, for the Time being, to nominate and appoint a Receiver or Receivers in the Stead of such Receiver or Receivers so dying, removing, or refusing to act; who shall give Security, in the like Sum, and in the same Manner, for the faithful Discharge of his or their Office, as the Receivers in this Act nominated and appointed, are before required to give.

Receivers to ac-
count with the
Assembly.

XVI. *AND be it further Enacted*, That the said Receivers of the Duty aforesaid, shall account, on Oath, with the General Assembly, at each Session, and pay into the said Assembly, all such Money as shall or may be by them, or any of them, received, after deducting their Commissions for receiving the same.

Receivers Power
to enter & search
Vessels.

XVII. *AND be it further Enacted*, That the Receiver and Receivers appointed, or that shall be appointed, in Virtue of this Act, to receive the said Duty in this Act mentioned, is and are hereby authorized and impowered, to enter on Board any Ship, Vessel, or Boat, and search the same, and from thence to take away any Wine, Rum, or any distilled Liquors, or Rice, for which the Duty aforesaid is not paid, or secured to be paid, within Ten Days after the Entry of such Ship or Vessel, and to detain the said Wine, Rum, and distilled Liquors, and Rice, 'til the said Duty shall be paid, or secured to be paid; and also, at all Times, to go on Board any Ship, Vessel, or Boat, on Information made, or if suspected, and search the same; and if any Wine, Rum, or any distilled

distilled Liquors; or Rice, shall; after the Entry of such Ship or Vessel, be found on Board, which hath not been duly entered, as in this Act is before directed, it shall and may be lawful for the said Receiver to seize all such Wine, Rum, or any distilled Liquors, or Rice, and bring the same on Shore, and shall prosecute the said Seizure or Seizures as in this Act directed.

A. D. 1746.

XVIII. *AND be it further Enacted*, That if any Receiver, appointed by Virtue of this Act to receive the Duty aforesaid, or any other Person or Persons for him, shall take or receive, directly or indirectly, any Bribe, Recompence, or Reward whatsoever, or shall connive at a false Entry of any Wine, Rum, or any distilled Liquors, or Rice, that shall be imported into this Province, either by Land or Water, whereby the Public may be defrauded, such Receiver so offending, shall forfeit and pay the Sum of Fifty Pounds, Proclamation Money; to be recovered and applied as other Forfeitures in this Act, and shall be for ever after disabled of holding any Office or Employment relating to the Custom of this Province; and the Person or Persons giving or paying any such Bribe, Recompence, or Reward, shall forfeit and pay the Sum of Fifty Pounds, Proclamation Money; to be recovered and applied in the same Manner as other Forfeitures in this Act.

Penalty on Receivers taking, or Persons offering, Bribery.

XIX. *AND be it further Enacted, by the Authority aforesaid*, That all Fines and Forfeitures in this Act mentioned, shall and may be sued for, and recovered, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Government; wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted.

Fines how recovered.

C H A P. II.

An Act, to repeal a Clause in an Act, intituled, An Act, for erecting the upper Part of Craven County into a County and Parish, and for appointing a Place for building a Court-house, Prison, and Stocks, in the said County; and the Clause in an Act, intituled, An Act, for dividing Edgcomb County and Parish, and for erecting the upper Part thereof into a County and Parish, by the Name of Granville County, and St. John's Parish, and for appointing Vestrymen of the said Parish; which direct, That all Public, County, and Parish Levies, due from any of the Inhabitants of the said County of Granville, shall be collected by the Sheriff of Edgcomb County; and that all Public, County, and Parish Levies, due from any of the Inhabitants of Johnston, shall be collected by the Sheriff of Craven County, so far as may relate to the Taxes or Levies laid and made payable for the Year One Thousand Seven Hundred and Forty Six. O B S.

S I G N E D by

GABRIEL JOHNSTON, Esq; Governor.

Nathaniel Rice, President.

SAMUEL SWANN, Speaker.

distilled liquors, or Rice, shall after the Entry of such Ship or Vessel, be found on board, which shall not have been lawfully entered, as in this Act is before directed, it shall and may be lawful for the said Receiver to seize all such Wine, Rum, or any distilled Liquors, or Rice, and bring the same on shore, and shall receive the said seizure or seizures as in this Act directed.

XVIII. And it is further enacted, That if any Receiver, appointed by Virtue of this Act to receive the Duty on Tobacco, or any other Part or Parts of Tobacco, shall take or receive, directly or indirectly, any Bribe, Recompense, or Reward whatsoever, or shall connive at a false Entry of any Wine, Rum, or any distilled Liquors, or Rice, that shall be imported into this Province, either by Land or Water, whereby the same may be detained, such Receiver to forfeit, and pay the Sum of Fifty Pounds, Proclamation Money, to be recovered and applied as other Forfeitures in this Act, and shall be for ever after disabled of holding any Office or Employment relating to the Customs of this Province; and the Person or Persons giving or paying any such Bribe, Recompense, or Reward, shall forfeit and pay the Sum of Fifty Pounds, Proclamation Money, to be recovered and applied in the same Manner as other Forfeitures in this Act.

XIX. And it is further enacted, by the said Act, That all fines and Forfeitures in this Act mentioned, shall and may be sued for, and recovered by Action of Debt, Bill, Plea, or Information, in any Court of Record in this Government, wherein no Pledge, Protection, Imparison, or Wager of Law, shall be allowed or admitted.

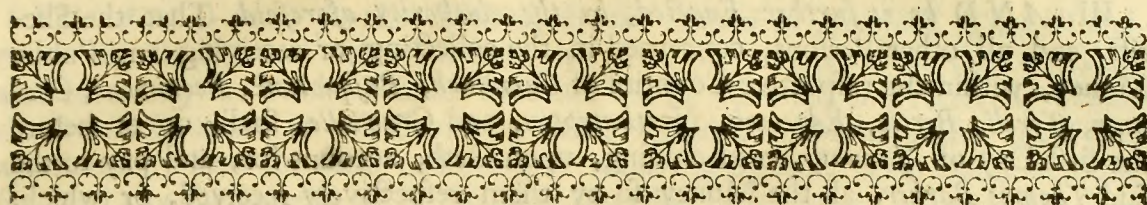
CHAPTER II

AN ACT to amend an Act, in this behalf intituled, An Act for erecting the upper Part of Craven County into a County and Parish, and for appointing a Place for holding a Court-house, Prison, and Stocks, in the said County; and for erecting in an Act, intituled, An Act for dividing Edgecombe County and Parish, and for erecting the upper Part thereof into a County and Parish, by the Name of Greenville County, and for appointing Vestrymen of the said Parish, and for appointing Vestrymen of the said Parish, which shall, That all Publick Courts, and Parish Courts, the from any of the Inhabitants of the said County of Greenville, shall be collected by the Sheriff of Edgecombe County; and that all Publick Courts, and Parish Courts, the from any of the Inhabitants of Johnston, shall be collected by the Sheriff of Craven County, so far as may relate to the Taxes or Duties laid and made payable for the Year One Thousand Seven Hundred and Forty Six. O. S.

SIGNED BY

GABRIEL JOHNSTON, Esq. Governor.
Nathaniel Rice, President.
SAMUEL SWANN, Speaker.

A. D. 1748.



Anno Regni

G E O R G I I I I,

Regis, *Magnæ Britanniae, Franciæ, & Hiberniæ*, Viceffimo Secundi.

At a General ASSEMBLY, held at *Newbern*, the Sixth Day of *April*, in the Year of our Lord One Thousand Seven Hundred and Forty Eight.

GABRIEL
JOHNSTON,
Esq; Governor.

C H A P. I.

An Act, to appoint Public Treasurers.

I. **W**HEREAS, by the Laws of this Province, the Sherifs and other Persons concerned in the receiving and collecting of the Public Money, are directed and required to account with and pay the same to the General Assembly; and whereas, by Reason of the Shortness of the Sessions, there is not always Time perfectly to examine the Accounts of those who appear, or to send for them who neglect to appear, and account: Wherefore,

Preamble.

II. **W**E pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same,* That Mr. *Thomas Barker*, be, and is hereby appointed Public Treasurer for the Counties of *Currituck, Pasquotank, Pequimons, Chowan, Tyrell, Bertie, Edgcomb, Northampton, and Granville*; And that *Edward Moseley, Esq; be,* and is hereby appointed Public Treasurer for the Counties of *Craven, Carteret, Onslow, New-Hanover, Bladen, Johnston, Beaufort, and Hyde*: Which said Treasurers shall, before they enter upon their said Offices, respectively, give Bond, to our Sovereign Lord the King, his Heirs and Successors, in the Sum of Two Thousand Pounds, *Sterling Money*, for the faithful Discharge of their said Offices; which Bond shall be lodged in the Secretary's Office.

Public Treasurers appointed.

III. AND

A. D. 1748.

Sherifs &c. of
the Northern
Counties to ac-
count with their
Treasurer by the
1st of Jan. on
Pen. of 20 l.

III. *AND be it further Enacted, by the Authority aforesaid,* That the Sherifs, and all other Persons, concerned in the collecting or receiving any Public Money, within the respective Counties of *Currituck, Pasquotank, Pequimons, Chowan, Tyrell, Bertie, Edgcomb, Northampton, and Granville*, shall, on or before the first Day of *January*, next ensuing, upon Oath, account for, and pay to the said *Thomas Barker*, all the Money so by them respectively received, or which, by Law, they ought to have received, and were accountable for, before the first Day of *September*, in the Year of our Lord One Thousand Seven Hundred and Forty Five, under the Penalty of Twenty Pounds, Proclamation Money; and that all Persons, within the said respective Counties, having any Public Money in their Hands, shall, upon Oath, account for, and pay the same, to the said *Thomas Barker*, on or before the said first Day of *January*, next ensuing, under the like Penalty of Twenty Pounds, Proclamation Money.

Also to account
with him by the
10th of July, on
the like Penalty.

IV. *AND be it further Enacted, by the Authority aforesaid,* That the Sherifs, and all other Persons, concerned in the collecting or receiving any Public Money within the said respective Counties, shall, on or before the Tenth Day of *July*, in the Year of our Lord One Thousand Seven Hundred and Forty Nine, upon Oath, account for, and pay to the said *Thomas Barker*, all the Monies so by them received, or which, by Law, they ought to have received, and are accountable, since the aforesaid first Day of *September*, in the Year of our Lord One Thousand Seven Hundred and Forty Five; under the Penalty of Twenty Pounds, Proclamation Money: And the said *Thomas Barker*, shall attend at *Edenton*, to settle the several Accounts, and receive the Ballances thereon due, Four Days after the several Times herein appointed for the Sherifs and other Persons to account and pay the several Sums due to the Public, and by them received.

Treasurer where
to attend.

Sherifs, &c. of
the Southern
Counties to set-
tle with their
Treasurer, by
Jan. 1, on Pen.
of 20 l.

V. *AND be it Enacted, by the Authority aforesaid,* That the Sherifs, and all other Persons concerned, or who have been concerned, in the collecting or receiving any Public Monies within the respective Counties of *Craven, Carteret, Onslow, New-Hanover, Bladen, Johnston, Beaufort, and Hyde*, shall, on or before the first Day of *January* next, upon Oath, account for, and pay to the said *Edward Moseley*, Esq; all the Money so by them respectively received, or which, by Law, they ought to have received, and were accountable for, before the first Day of *September*, in the Year of our Lord One Thousand Seven Hundred and Forty Five; under the Penalty of Twenty Pounds, Proclamation Money: And that all Persons within the said respective Counties, having any Public Money in their Hands, and by them received, before the first Day of *September*, One Thousand Seven Hundred and Forty Five, shall, upon Oath, account for, and pay the same to the said *Edward Moseley*, on or before the said first Day of *January*, next ensuing; under the Penalty of Twenty Pounds, Proclamation Money.

Also by the 10th
of July, on the
like Penalty.

VI. *AND be it further Enacted, by the Authority aforesaid,* That the Sherifs, and all other Persons within the said respective Counties last mentioned, concerned, or who have been concerned, in the collecting or receiving any Public Money, shall, on or before the Tenth Day of *July*, One Thousand Seven Hundred and Forty Nine, upon Oath, account for, and pay to the said *Edward Moseley*, Esq; all the Monies so by them respectively received, or which, by Law, they ought to have received, and were accountable, since the aforesaid first Day of *September*, in the Year of our Lord One Thousand Seven Hundred and Forty Five; under the Penalty of Twenty Pounds, Proclamation Money: And the said *Edward Moseley* shall attend at *Newbern*, to settle the several Accounts, and receive the Ballances thereon due, Four Days after the several Times appointed for the Sherifs and other Persons to account and pay the several Sums due to the Public by them received.

Treasurer where
to attend.

VII. *AND*

A. D. 1748.

VII. *AND be it further Enacted, by the Authority aforesaid,* That all and every the Sherifs, and other Persons, that shall be concerned in the collecting and receiving the Public Monies hereafter to be collected and received, within the several Counties in this Province, shall, within Two Months after the Time appointed by Law for their collecting or receiving thereof, upon Oath, account for, and pay the same to the Public Treasurer for such County respectively; under the Penalty of Twenty Pounds, Proclamation Money.

Sherifs, &c. to account with the Treasurer in 2 Months after the Time of collecting, on Pen. of 20l.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That the said Public Treasurers respectively, are hereby authorised, impowered, and required, to sue and prosecute all such Sherifs, or other Persons, who have heretofore been, or shall hereafter be, concerned in the collecting or receiving the Public Money, or who have, or shall at any Time hereafter, have any of the said Money in their Hands, within the said respective Counties, and shall neglect or refuse to account for and pay the same, at the Times, and in the Manner they are by this Act required and directed, on the Penalty in this Act mentioned; and also, on the several Bonds given by each and every of the said Sherifs or other Persons, in any of the said respective Counties; for the due and faithful Performance of their several Offices or Duties; and the Clerks of the several County Courts, and every other Person or Persons having such Bond or Bonds, Account or Accounts, or other Papers, in his or their Keeping or Possession, is and are hereby directed and required to deliver the same to the Public Treasurer of such County where the said Bond or Bonds was or were given, or Account or Accounts, or other Papers, lodged, when he shall demand the same.

Treasurers impowered to prosecute Delinquents,

IX. *AND be it further Enacted, by the Authority aforesaid,* That the said Public Treasurers shall, from Time to Time, as often as required, upon Oath, account for, and pay to the General Assembly, all such Sums of Money as they respectively receive, by Virtue of this Act; for which Trouble, they shall be allowed Five *per Cent.* on all the Monies by them respectively received, and paid into the Assembly, as aforesaid.

Treasurers to account with the Assembly, and allowed 5 *per Cent.*

X. *AND be it further Enacted,* That in Case of the Death, or Departure out of this Province, or other legal Disability of the said Treasurers, or either of them, hereby appointed, it shall and may be lawful for the Governor or Commander in Chief, for the Time being, with the Advice of his Majesty's Council, to appoint and constitute any other Person or Persons in his or their Place or Stead, to execute the said Office until the next Session of Assembly; such Person appointed giving such Bond and Security as herein before is directed.

Governor to appoint Treasurers, in Case of Disability.

XI. *AND be it Enacted,* That the Penalties in this Act mentioned, shall be sued for and recovered in the General Court of this Province, by Action of Debt, Bill, Complaint, or Information, wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of; Two Thirds whereof shall be applied to the Use of the Public, and the other Third to such Treasurer who shall prosecute for the same.

Penalties how to be recovered, and appropriated.

XII. *AND be it further Enacted,* That the Act, intituled; *An Act, for appointing a Treasurer for the several Counties therein mentioned, in the Room of William Downing, Esq; deceased,* and all other Act and Acts, Clause and Clauses of Acts, so far as relates to the Sherifs of the several Counties of this Province, or any other Person or Persons accounting for and paying to the General Assembly, any of the Public Money by them respectively received, and the Penalty mentioned in them, or any of them, is and are hereby suspended, during the Time this Act shall continue in Force.

Acts suspended.

A. D. 1748.

XIII. *AND be it further Enacted, by the Authority aforesaid, That this Act shall continue and be in Force, for the Term of Four Years, and from thence to the End of the next Session of Assembly, and no longer.*

C H A P. II.

An Act, for Regulating the several Officers Fees within this Province, and ascertaining the Method of paying the same.

Officers Fees settled.

I. **F**OR the better regulating the several Officers Fees within this Province, and to ascertain the Method of paying the same;

II. **W**E pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same,* That it shall be lawful for the several Officers within this Province, to take and receive, in Proclamation Money, or Bills of Credit, such Fees only as is appointed by this Act, for such Service; *to wit,*

Governor's Fees.

The Governor's Fees.

	Proclamation Money,	l.	s.	d.
For signing a Grant or Patent for Land, for 1000 Acres, or under,	0	6	8	
For every Hundred above a Thousand, to Five Thousand,	0	1	0	
For signing Letters of Administration, or Testamentary,	0	5	4	
For proving a Will before the Governor,	0	5	0	
For signing a Register of an undecked Vessel, Shallop, or Pettiagua,	0	7	6	
For signing a Register for a decked Vessel,	0	13	4	
For signing every Testimonial, under the Colony Seal,	0	5	4	
For signing every Commission for a Place of Profit,	0	10	0	
For Letters Patents of Denization,	0	10	0	

His Fees in Chancery.

Governor's Fees in Chancery.

	Proclamation Money,	l.	s.	d.
For signing a Decree in Chancery,	0	10	0	
For every Order, made on Motion, or Petition,	0	1	4	
For signing an Injunction in Chancery,	0	7	6	
For hearing and determining every Cause,	2	0	0	
For signing an Exemplification of a Decree,	0	5	0	
For Dismissal of every Bill, where the Cause doth not come to } Tryal and final Hearing,	1	0	0	

Governor's Secretary's Fees.

The Governor's Secretary's Fees.

	Proclamation Money,	l.	s.	d.
For drawing the Certificate for the Probat of a Will, taken before } the Governor,	0	1	4	
For drawing every Testimonial, to be signed by the Governor, to } which the Colony Seal shall be affixed,	0	2	8	
For every Warrant for Land,	0	2	8	
For the great Seal,	0	2	8	
For the small Seal,	0	1	4	

The

A. D. 1748.

The Chief Justice's Fees.

Proclamation Money,

l. s. d.

Chief Justice's Fees.

For every Writ, and Return,	0	3	0
Docketing the Action,	0	0	6
For every Discontinuance,	0	0	6
For every Appearance,	0	0	8
For every Issue joined,	0	1	0
For every Venire,	0	2	0
For every Action entered in Paper, of Causes for Tryal,	0	0	6
For every Subpoena,	0	1	0
For swearing every Witness,	0	0	4
For hearing every Tryal,	0	2	0
For entering every Verdict,	0	0	6
For hearing and giving Judgment upon Special Pleadings, had } in any Cause,	0	5	4
For confessing of Judgment,	0	0	6
For every Rule of Court,	0	0	6
For every Postea, Return, and signing Judgment,	0	1	0
For every Execution,	0	2	0
For entering Satisfaction,	0	0	4
For taxing every Bill of Costs,	0	2	8
For taking Special Bail, before the Judge,	0	2	8
For every original Attachment,	0	3	8
For every <i>Sciri Facias</i> ,	0	3	8
For every <i>Certiorari</i> ,	0	3	8
For every <i>Habeas Corpus</i> ,	0	5	4
For receiving an Appeal,	0	1	0
For every Writ of Error, and Allowance,	0	2	8
For taking Recognizance thereupon,	0	2	8
For every Order in the Judge's Chamber,	0	1	0
For receiving Injunction,	0	2	8
For proving or acknowledging every Deed,	0	2	8
For the Examination of Feme-Coverts, and Proof of the Deed or } Acknowledgment,	0	5	4
For every Affidavit, in Writing, before the Judge,	0	2	8
For administering the Oath, and signing the Certificate of the } Witnesses, attending in any Cause,	0	0	8

The Chief Justice's Fees of the Crown Side.

Proclamation Money,

l. s. d.

His Fees of the Crown Side.

For taking every Information,	0	2	8
Every Recognizance, taken before him,	0	1	4
Every Writ,	0	3	0
Every Order of Court,	0	0	4
For every Commitment,	0	1	4
For every Travers,	0	0	6
For every Person discharged by Proclamation,	0	1	0
For every Cause entered in the Docket,	0	0	7
Taxing Bill of Costs,	0	2	8
For Examination of every Person committed for Contempt of } Authority,	0	1	4
For every Oath in the Cause,	0	0	4
For hearing the Cause,	0	2	8
For hearing and determining a Motion, in Arrest of Judgment, or } Special Verdict,	0	5	4

Clerks

A. D. 1748.

Clerks Fees.

Clerks Fees of the General and County Courts.

	Proclamation Money,	l.	s.	d.
For entering every Action,		0	0	7
For every Writ,		0	1	1
For a Copy of every Declaration,		0	1	4
For recording the Defendant's Appearance, or Default,		0	0	7
For Recording a Plea,		0	1	1
For every Deposition, taken in Writing,		0	0	7
For filing every Bill, Bond or other Paper,		0	0	4
For Continuance, or Reference of every Action,		0	0	4
For Recording the Venire, Seven Pence Half Penny,				
For Recording Jury's Oath, and Verdict,		0	0	6
For entering up the Judgment,		0	0	7
For entering every Order of Court,		0	0	7
For a Copy of every Order of Court,		0	0	7
For searching a Record,		0	0	7
For a Commission, or <i>Dedimus Potestatem</i> ,		0	1	4
For certifying the Probat of a Will,		0	1	6
For administering every Oath, Two Pence Half Penny,				
For every Execution,		0	1	4
For every Summons for one or more Persons, if mentioned in the } Summons,		0	0	7
For every Petition or Motion, if entered in Writing,		0	0	7
For a Certificate,		0	0	7
For an Attachment,		0	1	2
For Recording or Inroling every Bond, or other Writing,		0	2	8
For entering the Acknowledgment of Sales of Land,		0	1	4
For a Writ of Enquiry,		0	1	4
For a <i>Scire Facias</i> ,		0	1	4
For every Retraxit,		0	0	7
For every Dismission,		0	0	7
For recording a Mark or Brand,		0	0	7
For proving every Right,		0	0	3
For every Certificate,		0	0	7
For a Copy of a Record, <i>per</i> Copy Sheet, each Sheet containing } Ninety Words,		0	0	4
For reading every Paper,		0	0	3
For making up every Record on Judgment, after Verdict or Special } Pleading, and entering the same in a Book for that Purpose, <i>per</i> } Copy Sheet, each containing Ninety Words,		0	0	4
For every Bill of Costs, or Copy thereof,		0	0	7
For making out an Alphabetical List of all the Taxables in each } County, and delivering the same to the Sheriff; delivering Or- } ders to Constables, and all other extraordinary Services for the } County, to be paid by the Court, out of the County Tax, Yearly,		0	13	4
For every Certificate for each Juror's Attendance,		0	0	6

Secretary's Fees.

The Secretary's Fees.

	Proclamation Money,	l.	s.	d.
For every Patent in Paper, and recording, for One Thousand A- } cres, or under,		0	8	0
For a Petition for a Grant for a Patent for Land, and Order, in- } clusive,		0	2	8
For every Hundred Acres above a Thousand, to Five Thousand,		0	0	8
For a Patent in Parchment, if required, and recording,		0	10	0
				For

	Proclamation Money, l. s. d.			A. D. 1748.
For a Warrant for Surveying Land, proving Rights, Petition } and Order thereon, reading inclusive,	0	5	4	
For filing every Paper,	0	0	7	
For Letters of Administration, or Letters Testamentary, Guardian- ship or Tuition, if made out by the Secretary,	0	2	8	
For every Administration Bond, if taken by the Secretary, and recording,	0	3	0	
For every Commission of the Peace, and Military Commission, to be paid by the Public,	0	5	0	
For every Commission for a Place of Profit,	0	5	4	
For a <i>Dedimus Potestatem</i> ,	0	1	4	
For searching a Record,	0	0	7	
For the Copy of a Patent,	0	1	4	
For Letters of Denization,	0	10	0	
For entering a Caveat,	0	1	4	
For Recording any Paper not before mentioned, or Copy of a Re- cord, <i>per</i> Copy Sheet, each Sheet containing Ninety Words,	0	0	4	
For every Testimonial passing the Secretary's Office, under the Colony Seal,	0	2	8	
For every Commission of <i>Oyer</i> and <i>Terminer</i> , or <i>Nisi Prius</i> , to be paid by the Public,	0	5	0	

The Clerk of the Crown and Clerk of the Peace's Fees.

	Proclamation Money, l. s. d.			Clerk of the Crown and Clerk of the Peace's Fees.
For filing every Indictment, or any other Paper,	0	0	4	
For a Copy of an Indictment, Information, or Presentment,	0	1	4	
For Recording the Coroner's Inquest,	0	1	4	
For arraigning a Criminal,	0	0	7	
For entering every Appearance, or Default,	0	0	7	
For every <i>Capias</i> ,	0	1	1	
For every Recognizance, acknowledged in Court, or out of Court, } if drawn by the Clerk,	0	1	1	
For entering every Recognizance on the Docket,	0	0	8	
For entering every Order of Court,	0	0	7	
For every <i>Venire</i> , or <i>Subpoena</i> ,	0	0	7	
For administering every Oath,	0	0	4	
For entering the Jury's Oath, and Verdict,	0	0	7	
For entering up Judgment,	0	0	7	
For entering a Plea,	0	0	6	
For a Search of Record,	0	0	7	
For a Copy of an Order of Court,	0	0	7	
For calling the Defendant,	0	0	4	
For every Respite,	0	0	4	
For a Liberate,	0	1	1	
For taking every Deposition, in Writing,	0	0	7	
For every Person discharged,	0	0	7	
For Recording any Paper not before mentioned, or Copy of Re- cord, <i>per</i> Copy Sheet, each Sheet containing Ninety Words,	0	0	4	
For drawing every Writ of Election, to be paid by the Public,	0	2	8	
For every <i>Scire Facias</i> ,	0	1	4	
For Writing a Warrant,	0	1	4	
For making up every Record, and entering the same in a Book for that Purpose, <i>per</i> Copy Sheet, each Sheet containing Ninety Words,	0	0	4	

A. D. 1748.

Chancery Clerk's
Fees.

Clerk of the Chancery's Fees.

Proclamation Money,	l.	s.	d.
For filing every Bill, or other Paper,	0	00	7
For every Subpœna, for one or more Persons, if mentioned in the said Subpœna,	0	1	4
For an Injunction in Chancery,	0	5	0
For a Superfedeas, and Return,	0	1	4
For entering up a Decree,	0	2	8
For Calling or Dismission,	0	00	7
For taking every Deposition, in Writing,	0	00	7
For Interrogatories, if drawn by the Clerk,	0	1	4
For a <i>Dedimus Potestatem</i> , to examine Witnesses,	0	1	8
For every Petition, or Motion, if entered in Writing,	0	00	7
For recording of any Paper not before mentioned, or Copy of Re- cord, <i>per</i> Copy Sheet, each Sheet containing Ninety Words,	0	9	4
For setting down the Cause for hearing,	0	1	4
For every Search,	0	00	7

Public Register's
Fees.

Public Register's Fees.

Proclamation Money,	l.	s.	d.
For Registring every Birth, Burial, or Marriage,	0	0	7
For Registring a Conveyance, or any other Writing, or giving a Copy thereof,	0	2	8
For every Certificate of Birth, Burial, or Marriage,	0	00	7

Sheriffs Fees.

Sheriffs Fees.

Proclamation Money,	l.	s.	d.
For an Arrest,	0	5	4
For a Bail Bond,	0	1	0
For serving a Copy of a Declaration, if done by the Sheriff,	0	1	4
For whipping any Person,	0	2	8
For serving a Subpœna, for each Person named in such Subpœna,	0	2	8
For Pilloring any Person,	0	5	0
For an Attachment, as for an Arrest, and if further Trouble by moving Goods, to be taxed by the Court.			
For executing a Warrant of Distress, or an Execution against the Body or Goods, if not above Ten Pounds, Proclamation Money, for each Pound,	0	1	0
If above Ten Pounds, Proclamation Money, for each Pound above,	0	0	6
For Imprisonment for Felons or Debtors, or any other Person, for each Prisoner <i>per</i> Day, for finding One Pound of wholesome Bread, One Pound of wholesome roasted or boiled Flesh, and not less than Two Quarts of fresh Water, and every other necessary Atten- dance, and keeping the Prison clean,	0	1	0
If the Prisoner finds himself Victuals and Drink, then the Sheriff shall take but	0	0	4
For summoning, impanneling, and attending on every Jury in every Cause, when a Special Venire shall issue by Order of Court,	0	5	4
For putting any Person in the Stocks, and releasing,	0	0	7
For a Commitment, if by Order of Court, or Mittimus,	0	2	8
For a Releasement,	0	2	8
For serving a Writ of Possession of Land,	0	7	6
For waiting on any Person on a <i>Habeas Corpus</i> , <i>per</i> Day,	0	2	8
For calling every Action each Court,	0	0	4
For summoning the Jury on a Common Venire, in every Cause,	0	0	8

For

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For Amercements to the Justices of the County Courts.

	Proclamation Money,	l.	s.	d.	Amerciements to the Justices.
To the Justices, on every Action, Presentment, or Indictment, brought as an Amercement,		0	1	4	
For taking Examinations, drawing and returning a Recognizance,		0	2	8	

Escheator's Fees.

	Proclamation Money,	l.	s.	d.	Escheator's Fees.
For every Inquisition, and Return,		1	12	0	

Attorney-General's Fees.

	Proclamation Money,	l.	s.	d.	Attorney-General's Fees.
For every Indictment found, or Presentment made,		1	6	8	
If Bill found <i>Ignoramus</i> , then the Prosecutor shall pay		0	13	4	
For the same in the County Court,		0	13	4	
If found <i>Ignoramus</i> , then the Prosecutor to pay		0	6	8	

Judge of the Admiralty's Fees.

	Proclamation Money,	l.	s.	d.	Judge of the Admiralty's Fees.
In Cases of Seamens Wages or other Suit, exceeding Twenty Pounds		1	6	8	
Value recovered, for the first Day,		0	13	4	
For every Day more than one,		0	1	4	
For a Warrant of Arrest, or any other Warrant,		0	1	4	
For admitting the Libel,		0	1	4	
For every Citation,		0	1	4	
For every definitive Sentence,		0	5	4	

Register's Fees in like Cases.

	Proclamation Money,	l.	s.	d.	Register's Fees.
For filing every Paper,		0	0	7	
For registering a Libel,		0	4	4	
For registering an Answer, or Replication,		0	2	0	
For taking every Affidavit, in Writing,		0	1	0	
For registering a Decree,		0	2	0	
For Dismission of every Suit,		0	0	7	
For continuing every Suit,		0	0	7	
For a Citation,		0	1	8	
For a Subpoena for each Evidence,		0	0	8	
For registering every Paper not before mentioned, or copying, per } Copy Sheet, each Sheet containing Ninety Words,		0	0	4	

The Advocate's Fees.

	Proclamation Money,	l.	s.	d.	Advocate's Fees.
The King's Advocate, in every Cause when he appears for the King,		2	13	4	
In every other Case, the same as another Advocate,		1	10	0	

The Marshal's Fees in the Court of Admiralty.

	Proclamation Money,	l.	s.	d.	Marshal's Fees.
For serving every Warrant, and Return,		0	5	4	
For serving a Decree, and Return, above Five Pounds,		0	8	0	
For every Pound above Five Pounds,		0	0	4	
For serving a Citation, Monition, or Notice,		0	2	8	

The

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Naval Officer's
Fees.*The Naval Officer's Fees.*

	Proclamation Money,	l.	s.	d.
For entering and clearing Vessels not decked, Boats or Canoes of the Country, if bound to Foreign Parts,		0	3	3
For entering and clearing decked Vessels, belonging to the Country,		0	6	8
For entering and clearing foreign Vessels, if under One Hundred Tons,		1	4	0
If above One Hundred Tons, to include all Fees, except such as are in this Act particularly mentioned,		1	10	0
For taking Bonds of Masters of Vessels, to be understood of either Bonds which Masters of Vessels are obliged to give,		0	2	8
For a Bond in order to obtain a Pass, for People going out of the Country, and the Pass,		0	3	0
For a Certificate for enumerated Goods,		0	1	4
For a Certificate for Bounty in England,		0	2	8
For signing a Permit for any foreign Vessel, going from one District to the other, within this Province,		0	2	8
For signing a Permit for Country Vessels, going as aforesaid, having foreign or enumerated Goods on board,		0	1	4

Collector's Fees.

Collector's Fees.

	Proclamation Money,	l.	s.	d.
For entering and clearing foreign Vessels, if under One Hundred Tons,		1	4	0
If above One Hundred Tons, including all Business incident, except such as are in this Act particularly mentioned,		1	10	0
For entering and clearing open Vessels of the Country, if bound to foreign Parts, including as aforesaid,		0	3	3
For entering and clearing decked Vessels of the Country, including as aforesaid,		0	6	8
For a Certificate on the Change of a Master,		0	2	8
For writing and signing a Register,		0	5	4
For recording a Register, if required,		0	2	8
For a Certificate for enumerated Goods,		0	1	4
For a Certificate for Bounty in England,		0	2	8
For signing a Permit for any foreign Vessel, going from one District to another within this Province,		0	2	8
For a Permit for Country Vessels, going as aforesaid, having foreign or enumerated Goods on board,		0	1	4
For a Permit to load, and unload,		0	1	4

Surveyor-General's Fees.

Surveyor-General's Fees.

	Proclamation Money,	l.	s.	d.
For entering a Warrant, and certifying,		0	2	8
For surveying a Thousand Acres, and under,		1	6	8
For every Hundred above a Thousand,		0	1	1

Auditor's Fees.

Auditor's Fees.

	Proclamation Money,	l.	s.	d.
For auditing every Patent,		0	5	4
For entering and certifying every Warrant for Land,		0	2	8

Receiver-General's Fees.

Receiver-General's Fees.

	Proclamation Money,	l.	s.	d.
For a Warrant of Distress,		0	2	8

Coroner's

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Coroner's Fees.

	Proclamation Money,	l.	s.	d.	Coroner's Fees.
For every Inquisition; and Return; to be paid out of the Deceased's Estate, if no Estate, then by the Country,	}	0	16	0	
For each and every Juror, on an Inquisition, to be paid by the Coroner out of the Deceased's Estate, if no Estate, to be paid by the Country,		0	1	4	
For the Constable, for summoning each Juror on an Inquest,		0	0	7	
For other Services, the same as the Sheriff.					

Clerk of the Council's Fees.

	Proclamation Money,	l.	s.	d.	Clerk of the Council's Fees.
For reading every Paper in Council,		0	0	7	
For entering every Order of Council,		0	0	7	
For every Search, or Copy of an Order of Council,		0	0	7	
For every Citation, or Summons,		0	0	7	
For Administring every Oath,		0	0	4	
For drawing every Petition, if drawn by the Clerk,		0	0	10	
For taking every Deposition, in Writing,		0	0	7	
For filing every Paper,		0	0	7	
For recording every Paper not before mentioned, or Copy thereof, } per Copy Sheet, each Sheet containing Ninety Words,		0	0	4	

III. *AND be it further Enacted, by the Authority aforesaid, That the Clerk of the General Court, and every County Court, and every other Court of this Province, shall make out a Bill of Costs, and deliver the same to the Party from whom the Fees are due, or to his Attorney; and on such Persons not paying the same, it shall and may be lawful for the Clerk of every Court, to make out Execution, directed to the Sheriff of the County where the Party resides, and the said Sheriff shall levy the same, in Virtue of the said Execution, as in other Cases; and that to the said Execution, shall be annexed a Copy of the Bill of Costs of the Fees, on which such Execution shall issue; and that all Executions issuing without the Copy of such Bill of Costs annexed, shall be deemed illegal, and no Sheriff shall serve or execute the same, under the Penalty of Five Pounds.*

IV. *PROVIDED always, and it is the true Intent and Meaning of this Act, That any Execution, against the Body or Goods of any Person, shall and may be discharged by Tender and Payment of Inspectors Notes for Commodities, as rated in an Act, intituled, An Act, for granting an Aid to his Majesty, to defray the Expences of transporting the several Troops enlisted in his Majesty's Service in this Colony, and to ascertain the Method of paying all Taxes and Levies in Commodities; and for other Purposes therein mentioned.*

V. *AND be it further Enacted, That when any Person shall pay to any Officer within this Province, any Fees due to such Officer, the aforesaid Officer shall, on the Receipt of such Fees, if demanded, give a Ticket of such Fees, with a Receipt for the same; under the Penalty of Five Pounds.*

VI. *AND that the People may better know what Fees are due to the several Officers aforesaid, Be it further Enacted, by the Authority aforesaid, That each respective Officer within this Province, shall, within Three Months, next after the Ratification of this Act, set up, in some Public Place in his Office, a Table of the Fees that may be taken by such Officer, according to the Directions of this Act;*

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Act; and shall continually keep the same up, under the Penalty of Five Shillings, for every Day such Table shall not be so fixed up.

Penalty on Officers taking larger Fees, or neglecting their Duty.

VII. *AND be it further Enacted*, That if any Officer shall demand, extort, exact, or receive, under Colour of his Office, any other or larger Fees than what is particularly mentioned in this Act, or shall refuse to do the particular Service in his Office for the Fees in this Act expressed, such Officer shall, for every such Offence or Default, forfeit the Sum of Five Pounds.

Penalty on Clerks taking greater Fees.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That no Clerk of the General Court, or any County Court, shall introduce any new Fees; neither shall he charge, in any Bill of Costs, any Fees for any pretended Service where the same is not really and actually done, or where, according to the Course of Practice, the same was not necessary to be done; under the Penalty of Twenty Shillings, for every Offence.

Fines how to be recovered, and applied.

IX. *AND be it further Enacted*, That the several Penalties in this Act mentioned, shall and may be recovered, by any Person or Persons that will sue for the same, before any Magistrate or Magistrates, or in any Court of Record in this Province, Respect being had to their several Jurisdictions, as is prescribed by Law for the Recovery of other Debts; wherein no Essoign, Protection, Injunction, Privilege, or Wager of Law, shall be allowed or admitted of; One Half to the Prosecutor, the other Half to the Churchwardens, for the Use of the Parish where the Offence is committed.

Prosecutions to be commenced within 2 Years.

X. *PROVIDED always*, That all Prosecutions for any Penalty or Penalties, by Virtue of this Act, shall be commenced within Two Years after the Offence is committed, and not after.

No other Fees to be demanded or taken, than those settled by General Assembly.

XI. *AND be it further Enacted, by the Authority aforesaid*, That no new or other Fees shall hereafter be created or made, by any Person or Persons whatsoever, or be demanded, taken, or received, otherwise than such as shall be established by the Authority of the Governor, Council, and General Assembly; any Law, Custom, or Usage, to the contrary, notwithstanding.

Repealing Clause.

XII. *AND be it further Enacted*, That all other Act and Acts, Clauses, Matters, and Things, heretofore made, relating to Officers Fees, so far as is within the Purview of this Act, are hereby repealed and declared to be null and void, to all Intents and Purposes.

C H A P. III.

An Act, for laying a Tax on the Inhabitants of Granville County, and for appointing Commissioners to compleat and finish the Public Buildings already begun in the said County.

Preamble.

I. **W** H E R E A S, by an Act of the General Assembly of this Province, passed at Newbern, on the Twenty Eighth Day of June, in the Twentieth Year of the Reign of our Sovereign Lord George the Second, by the Grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. and in the Year of our Lord One Thousand Seven Hundred and Forty Six, intituled, *An Act, for dividing Edgcomb County, and for erecting the upper Part thereof into a County and Parish, by the Name of Granville County, and St. John's Parish, and for appointing Vestrymen of the said Parish*; a Tax

was

was laid, for Two Years, of Two Shillings, Proclamation Money, for building a Court-house, Prison, and Stocks, in the said County, and running the dividing Line between *Craven* and *Edgcomb* Counties; which said Tax is found insufficient for running the said Line, and compleating the said Buildings of the said County:

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II. WE therefore pray it may be Enacted; *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That a further Tax of Two Shillings, Proclamation Money, for Two Years, ensuing next after the Ratification of this Act, and no longer, be laid, and the said Tax of Two Shillings, Proclamation Money, is hereby laid, on each and every Taxable in the said County, for and towards compleating and finishing the said Buildings, and the Charge of running the said Line; and shall be collected and paid, Annually, by the Sheriff of the said County, at such Times, and Places, and in the same Manner, as other Taxes are collected and paid.

Tax laid for finishing the Public Buildings, &c.

III. *AND be it further Enacted, by the Authority aforesaid,* That the Sheriff of the said County shall account for, on Oath, with the Commissioners hereinafter appointed, for all such Sums of Money and Commodities, as he shall receive in Virtue of this Act, under the Penalty of Five Pounds, Proclamation Money; to be recovered, by the Commissioners in this Act hereinafter named, in any Court of Record within this Province, wherein no Effoign, Injunction, Protection, or Wager of Law, shall be allowed or admitted of; and the said Sheriff, for collecting and paying the said Tax, shall have and receive Six *per Cent.* and may deduct the same accordingly.

Sheriff to account with the Commissioners for all Monies by them received, and to be allowed 6 per Cent.

IV. *AND be it further Enacted, by the Authority aforesaid,* That Mr. *William Eaton*, and Mr. *Edward Jones*, be, and are hereby appointed Commissioners, to compleat and finish the said Buildings, and defraying the Charge of running the said Line: Which said Commissioners shall, Yearly, account with the Court of *Granville* County, for all such Sums of Money, as they shall receive from the said Sheriff, in Virtue hereof, under the Penalty of Five Pounds, Proclamation Money; to be recovered by any Person who shall sue for the same, and applied as herein after directed.

Commissioners appointed.

V. *A N D be it Enacted, by the Authority aforesaid,* That all Forfeitures arising in Virtue of this Act, shall be recovered as aforesaid, and applied for and towards the Use the Tax laid by this Act is intended.

Forfeitures how to be recovered, and applied.

C H A P. IV.

An Act, to prevent the Exportation of raw Hides, Pieces of Hides, and Calf Skins, out of this Government.

I. **B**E it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That from and after the Fifteenth Day of *August*, next ensuing the Ratification of this Act, no Master or Commander of any Ship or Vessel, bound out of this Government, shall receive, or ship on board his Vessel, any Hide or Hides, Piece or Pieces of Hides, of Neat Cattle, or Calf Skins, raw and untanned, or shall permit the same to be done by others; and every Master or Commander of any Ship

Penalty on Persons exporting raw Hides, &c.

A. D. 1748.

Hides to be forfeited to the Parish.

Ship or Vessel so offending, shall forfeit and pay, for every Hide, Piece or Pieces of Hide, or Calf Skin, the Sum of Ten Shillings, Proclamation Money; to be recovered, before any one Justice of the Peace, by him or them that shall prosecute and sue for the same; and the Hides, Piece or Pieces of Hides, or Calf Skins, so shipped, contrary to the true Intent and Meaning of this Act, shall be immediately sold, by Order of the Justices before whom the Conviction shall be, and the Money arising from such Sale, shall be delivered to the Churchwardens, for the Use of the Parish where the Offence shall be committed; the Right of Appeal to the next County Court always reserved.

Offenders how to be convicted.

II. *AND* for the more easy Conviction of the Offenders against this Act, *Be it Enacted, by the Authority aforesaid,* That the seeing any such Hide or Hides, Piece or Pieces of Hides, of Neat Cattle, or Calf Skins, raw and untanned, received or shipped on board any Ship or Vessel outward bound, and due Proof made before any one Justice of the Peace of the County, shall be deemed and taken sufficient Evidence in Law to convict the Master or Commander of such Ship or Vessel of the Offence aforesaid.

Proviso.

III. *PROVIDED* always, That if the Master or Commander of such Ship or Vessel, shall make Oath, that such Hide or Hides, Piece or Pieces of Hides, or Calf Skins, were not shipped or received on board his Ship or Vessel, with his Knowledge, Privity, or Procurement, in that Case, he shall not incur nor pay the Forfeiture above-mentioned; but the same shall be paid by the Person who shall have put the same on board, and the Hide or Hides, Piece or Pieces of Hides, or Calf Skins, so put on board as aforesaid, shall be forfeited, sold, and disposed of, in Manner as aforesaid.

Masters of Vessels to take an Oath.

IV. *AND be it further Enacted, by the Authority aforesaid,* That every Master or Commander of each and every Vessel, bound out of this Province, at the Time of his clearing his Vessel out, shall make Oath, *to wit,*

The Oath.

I A. B. *Master of the Vessel* H. do swear, *That there is not, to my Knowledge or Belief, on board my said Vessel, any Hide or Hides, Piece or Pieces of Hides, of any Neat Cattle, or Calf Skin, or Calf Skins, raw and untanned, and that none such shall be transported in my said Vessel this Voyage, with my Privity.*

So help me God.

Collectors not to clear out any Vessel without administering the Oath, on Pen. of 50 l.

Which Oath each and every Collector of the several and respective Ports within this Province, or his Deputy, is hereby authorized and required to administer: And every Collector, or Deputy Collector, who shall clear out any Vessel or Vessels, without first having administered the Oath aforesaid, according to the true Intent and Meaning of this Act, shall forfeit and pay the Sum of Fifty Pounds, Proclamation Money; to be recovered by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Province; One Half to the Informer, the other for and towards the contingent Charges of Government; wherein no Effoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

Continuance of the Act.

V. *AND be it further Enacted, by the Authority aforesaid,* That this Act shall continue and be in Force, for the Term of Fifteen Years, and from thence to the End of the next Session of Assembly, and no longer.

C H A P. V.

An Act, to appoint Commissioners to continue running the Boundary Line between Edgcomb County, Tyrell, and Part of Beaufort Counties.

I. **W** H E R E A S the Commissioners, appointed by an Act, intituled, *An Act, for ascertaining the Boundary Line between Tyrell County, and Beaufort County, and between Edgcomb County, and Tyrell County, and Beaufort County,* have run a dividing Line between *Edgcomb County, and Tyrell County, and Part of Beaufort County, and Edgcomb County,* from *Roanoke River,* as far as the Mouth of *Cheek's Mill Creek,* on *Tar River,* in *Beaufort County;* and whereas the Tax laid and collected in the said several Counties, for defraying the Charge of running the said Boundary Lines, is found insufficient for carrying on the same :

II. W E therefore pray it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That Mr. *Joseph Howell,* and Mr. *Joseph Lane,* be and are hereby appointed Commissioners, for finishing the said Line between Part of *Edgcomb, Beaufort, and Johnston Counties,* already begun and carried on, to the Mouth of *Cheek's Mill Creek,* in *Beaufort County,* on *Tar River,* and from thence shall run, with a strait Line to *Contentnee,* at the Mouth of *Tosneat Swamp,* and thence up the main Stream of *Contentnee,* opposite to the Mouth of *Cyprus Swamp,* on *Tar River;* which said Line, when run by the Commissioners aforesaid, shall be by them entered on Record, in the Court of *Edgcomb County* aforesaid, and shall hereafter be deemed and taken to be the true Bounds of the said County.

III. A N D for defraying the Expence of continuing the running the said Boundary Lines, *Be it Enacted, by the Authority aforesaid,* That it shall and may be lawful for the Justices of the said County Court of *Edgcomb,* and they are hereby authorized and impowered, to lay a Tax on all the Taxable Persons within the said County, not exceeding Three Pence, Proclamation Money, for defraying the Expence of finishing the said Line, and recording the same as aforesaid; which said Tax shall be paid and collected in the same Manner, and at the same Times, other Taxes are collected and paid in the said County.

IV. A N D be it further Enacted, *by the Authority aforesaid,* That all and every Clause and Clauses of the Act, intituled, *An Act, for ascertaining the boundary Line between Tyrell County, and Beaufort County, and between Edgcomb County, Tyrell County, and Beaufort County,* so far as relates to running the boundary Line between *Edgcomb County, and Beaufort County,* is and are hereby repealed and made void, as if the same had never been made.

C H A P. VI.

An Act, for destroying Vermin in this Province.

I. **B** E it Enacted, *by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same,* That from and after the Ratification

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Persons killing
Vermin intitled
to a Reward.

fication of this Act, any Person or Persons that shall kill any of the Vermin hereafter mentioned, shall be intitled to a Claim upon the Parish where such Vermin was killed, the several Rewards as follow, *viz.* For every Panther, Ten Shillings, Proclamation Money; for every Wolf, Ten Shillings, Proclamation Money; and for every Wild-Cat, Two Shillings and Six Pence, Proclamation Money; to be levied and recovered as by this Act shall be directed.

Certificate how
to be procured.

II. *AND be it further Enacted, by the Authority aforesaid,* That any Person or Persons, who shall have a Claim for killing any of the aforesaid Vermin, are hereby ordered to produce the Head or Scalp, with both Ears, before any Magistrate, who is to administer an Oath to such Person claiming the same, That it was taken and killed within the Bounds of such Parish where such Claim is desired to be paid; and if it be a Servant, Slave, or *Indian*, that shall kill any such Vermin, of which the Head or Scalp shall be produced, as aforesaid, the Master or Owner of such Servant or Slave, or he that makes Claim for such Scalp or Scalps, in Behalf of an *Indian*, shall make Oath, before such Magistrate, that he verily believes the same was taken and killed within the Parish where the Reward is claimed: Which Oath being administered to the Person who makes the Claim, the said Magistrate is hereby directed to give the said Person a Certificate, in Words at Length, for the same, which done, the said Magistrate shall immediately cause the Head or Scalp to be destroyed, by burning the same.

Persons having
Certificates, to
deliver them to
the Vestry once a
Year.

III. *AND be it further Enacted, by the Authority aforesaid,* That any Person or Persons, having a Certificate from any Magistrate within the Parish, for taking and killing any of the Vermin aforesaid, shall deliver the same to the Vestry and Churchwardens where such Certificate from the Magistrate was obtained; which said Certificate shall be delivered to such Vestry and Churchwardens, Yearly, on *Easter-Monday*, in every Parish within this Province: And such Magistrate shall keep a List of each and every Certificate by him given as aforesaid, in which he shall insert the Persons Name, the Time when, and the Number of Scalps such Certificate was given for, and shall transmit such List to the Vestry and Churchwardens, at the Time herein before-mentioned for giving in the said Certificates.

Magistrates to
keep a List of all
Certificates, and
transmit them to
the Vestry.Vestry to lay a
Tax, to pay all
Claims.

IV. *AND be it further Enacted, by the Authority aforesaid,* That the several Vestries and Churchwardens in every Parish, are hereby required, authorized, and impowered, to levy the said Claims on the several Taxables within each Parish, in Proclamation Money, or the rated Commodities, as other Parish Dues within this Province have heretofore been.

Justices allowed
10 per Cent.

V. *AND be it Enacted,* That the Justice or Justices giving Certificates, and destroying the Heads and Scalps of Vermin, as is by this Act directed, shall have and receive, for their Trouble therein, Ten *per Cent.* paid to them out of the Premium granted to Persons for killing of Vermin, at the Time that the Premium is paid to Persons claiming by Virtue of this Act.

Penalty on Vestry,
Justices, &c.
neglecting their
Duty.

VI. *AND it is hereby further Enacted,* That if the Vestry or Churchwardens, Justice of the Peace, or Constable, shall neglect or refuse to execute and discharge the several Trusts and Powers to them, or either of them, by this Act given, that he or they so neglecting or refusing, shall forfeit and pay the Sum of Five Pounds, Proclamation Money, to him or them that shall inform or sue for the same; to be recovered by Action of Debt, Bill, Complaint, or Information, in any Court of Record in this Government, wherein no Essoign, Protection, or Wager of Law, shall be allowed or admitted of.

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C H A P. VII.

An Act, to enlarge the Time for the Commissioners of the Roads, appointed by the Act of Assembly passed April the Twentieth, One Thousand Seven Hundred and Forty Five, intituled, An Act, to impower the several Commissioners herein after-named; to make, mend, and repair all Roads and Bridges, Cuts and Water-Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts herein after-appointed, in such Manner as they judge most useful to the Public, to recover the several Sums due from Defaulters.

I. **W** H E R E A S the Time by the said Act, for the Commissioners calling before them such as they should suspect were Defaulters, and for proceeding against such, was in the said Act limited to three Months, from the Ratification thereof; which Time was so short, that the several Commissioners could not procure Copies of the Act within the Time limited: Wherefore,

Preamble.

II. *B E it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That the several Commissioners in the said Act mentioned, shall have full Power and Authority to proceed against all such Persons as they shall suspect are Defaulters, in the same Manner as by the said Act is directed, at any Time within the Space of Eighteen Months, from the Ratification of this Act, as fully and amply, as if the same Eighteen Months had been inserted in the said Act.*

Commissioners
may proceed a-
gainst Defaulters
within 18 Mon.

C H A P. VII.

An Act, to provide indifferent Jurymen in all Causes, both Civil and Criminal, and for an Allowance for their Attendance.

I. **T** H A T indifferent Jurors, in all Courts of Judicature within this Province, for all Tryals hereafter, may be had, and that the Charge and Expence of their Attendance may be equally borne:

Preamble.

II. *W E pray that it may be Enacted, And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That from and after the last Day of May next, after the Ratification of this Act, no Person shall be a Jurymen in the General Court, Court of Assize, Court of Oyer and Terminer, and General Goal Delivery, within this Province, but such who are elected, summoned, and returned, according to the Directions of this Act; and if any other Person or Persons shall be summoned to serve as a Jurymen, and returned to the General Court, Court of Assize, Court of Oyer and Terminer, and General Goal Delivery, of this Province, it shall be good Challenge for either Party, and the Person so returned, shall be discharged upon the said Challenge.*

No Person to be
a Jurymen, but
such as are quali-
fied by this Act.

III. *A N D be it further Enacted, by the Authority aforesaid, That once in Six Months, at each and every County Court within this Province, next after the first Day of January, and the first Day of July Yearly, in open Court, the Justices of each and every County Court, together with the then Grand-Jury, shall*

Jurymen how to
be provided;

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shall elect and choose Twelve knowing substantial Freeholders of the several Counties, (except those Counties where the General Court, Court of Assize, Court of Oyer and Terminer, and General Goal Delivery, shall sit,) where the Justices shall choose Twenty Four Freeholders, as aforesaid, to be returned to serve as Jurors, at the next General Court, Court of Assize, Court of Oyer and Terminer, and General Goal Delivery, to which, by the Law that is now in Force, or hereafter may be in Force, they ought to attend.

Clerk to give a
List of Freehol-
ders elected to
the Sheriff.

IV *AND be it further Enacted*, That immediately after such Choice or Election, as aforesaid, the Clerk of each and every County Court, shall make out an attested List of such Freeholders as shall be elected or chosen, as aforesaid, and deliver the same to the Sheriff of his County.

Sheriff to sum-
mon them to at-
tend.

V. *AND be it further Enacted*, That the Sheriff of each and every County within this Province, shall summon the said Twenty Four Freeholders so elected, of such County where the General Court, Court of Assize, Court of Oyer and Terminer, and General Goal Delivery, shall be held; and the said Twelve Freeholders of the several other Counties, elected as aforesaid, mentioned in the said List to serve as Jurors for the next General Court, Court of Assize, Court of Oyer and Terminer, and General Goal Delivery, as by his Writ he shall be commanded, and no other.

Venire not to is-
sue for more than
12 Jurors.

VI. *AND be it Enacted by the Authority aforesaid*, That no Venire or Venires shall issue hereafter, for more than Twelve Persons out of each of the several and respective Counties to serve as Jurors, (except as is herein before excepted); That is to say, Six on the Petit, and Six on the Grand-Jury, at the General Court, Court of Assize, Court of Oyer and Terminer, and General Goal Delivery.

Penalty on Jurors
not appearing, or
absenting after-
wards.

VII. *AND be it further Enacted*, That each and every Person, qualified as a Juror to serve by Virtue of this Act, which shall be duly chosen, summoned, and returned, and doth not appear, shall forfeit and pay Thirty Shillings, Proclamation Money; or after Appearance, shall absent themselves from the said Court, before the Court shall discharge them, shall forfeit and pay such Fine as the Court shall impose, not exceeding Five Pounds, Proclamation Money; to be levied by the Sheriff, by Order of such Court, and paid to the Justices of the County where such Defaulter inhabits; to be applied towards paying such Jurymen as shall attend; and no Jurymen Issues making Default shall be saved, but by special Order of such Court, or some just and reasonable Cause, proved upon Oath, and certified the next succeeding Court; and no Man shall be taken to be duly summoned which hath not been summoned at least Ten Days before the Day before he ought to appear; and every Person shall be deemed duly summoned, where a Note shall be left at least Ten Days before the Sitting of such Court to which he ought to appear, at his respective Dwelling, altho' such Person shall not be personally summoned.

What allowed a
due Summons.

Jurors how to be
drawn.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That at the Opening of every General Court, Court of Assize, Court of Oyer and Terminer, and General Goal Delivery, after the Names of the Persons summoned shall be called over, and their Appearance or Neglect entered, and in Case above Twelve do appear, the Court, at each and every Tryal, at the Bar, shall call a Child, under Ten Years of Age, in open Court, to draw out of a Box, for that Purpose, Twelve of the Names of those that shall make their Appearance; and those Persons only shall be the Jury, to serve upon that Tryal.

IX. PRO-

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IX. *PROVIDED* always, That if any of the Jurors, for Reasons according to Law, shall be challenged, then the Court shall cause their Places to be filled up out of some of the others that made their Appearance, to be elected by Lot, as before is appointed.

Places of challenged Jurors to be supplied.

X. *PROVIDED* also, That for Want of a sufficient Number of Jurors appearing to serve as aforesaid, it shall and may be lawful for the Chief Justice and Judges of such General Court, Court of Assize, Court of Oyer and Terminer, and General Goal Delivery, to order the Sheriff to summons such indifferent Jurymen as he possible can, out of any of the Freeholders that shall be at such Court; which said Freeholders so summoned by such Sheriffs, shall be deemed and held to be sufficient Juror or Jurors, as those elected and chosen by Virtue of this Act, could have been, had they appeared: Any thing before recited in this Act, notwithstanding.

Sheriff to summon By-standers, on non Appearance of Jurors.

XI. *AND* be it further Enacted, by the Authority aforesaid, That the several Sheriffs, and every respective Judge or Justice of the General Court, Court of Assize, Court of Oyer and Terminer, and General Goal Delivery, shall, on or before the Conclusion of the next General Court, Court of Assize, Court of Oyer and Terminer, and General Goal Delivery, after the last Day of May, swear, in open Court, That he will, as far as he may or can, either by his Knowledge, or Information, follow, observe, and keep the Rules, Methods, Manner, and Way of choosing of Jurymen, for each General Court, Court of Assize, Court of Oyer and Terminer, and General Goal Delivery, to be holden in this Province, according to the true Intent and Meaning of this Act; and every Justice, Judge, or Sheriff, who shall hereafter be appointed, shall take the same Oath, before he execute any Part of this Office: And every Judge, Justice, Sheriff, Officer, or Minister, who shall neglect or refuse to take such Oath, as aforesaid, shall, for each Default, forfeit and pay Twenty Pounds, Proclamation Money; One Moiety thereof to him or them that shall sue for the same, the other for the Use of the Public, to be disposed of as the General Assembly shall think fit; to be recovered, by Bill, Plaint, or Information, in any Court of Record in this Province, wherein no Injunction, Protection, or Wager of Law, shall be allowed or admitted of.

Judge, Justices, Sheriffs, &c. to be sworn, for the Performance of their Offices.

Penalty for Neglect or Refusal.

XII. *AND* whereas the attending the General Court, Court of Assize, Court of Oyer and Terminer, and General Goal Delivery, will be very expensive to the Jurors so attending, for Remedy whereof; *Be it Enacted, by the Authority aforesaid*; That each and every Juror, at the General Court, Court of Assize, Court of Oyer and Terminer, and General Goal Delivery, upon producing a Certificate from the Clerk of such Court, of the Time of his Attendance, (which Certificate the Clerk is hereby directed to give, if required,) unto the Court of the County where he resides, he shall have and receive Three Shillings, Proclamation Money, for each Day's Attendance, (and his Ferriages,) certified as aforesaid, to be paid by the Justices of such Court, out of the County Tax; and the Justices of every County Court, are hereby required and directed, to lay a Levy, sufficient to discharge the same, on all the Taxables in their respective Counties, to be paid and collected at the same Times, and in the same Manner, as other County Taxes by Law now are paid and collected.

Allowance to Jurors attending the General Court, &c.

XIII. *AND* be it further Enacted, That every Act and Acts, and every Article and Clause therein, as much as relates to the providing of indifferent Jurymen in all Causes, Civil and Criminal, within the Purview of this Act, are hereby repealed and made void, as if the same had never been made.

Repealing Clause.

A. D. 1748.

C H A P. IX.

An Act, to alter the Times for holding the Courts for the County of New-Hanover.

Preamble.

I. **W** H E R E A S Two of the County Courts which are held for the County of *New-Hanover*, in each Year, fall out on the same Days the General Courts of this Province are held; at *Newbern*;

Court when held.

II. **W** E therefore pray it may be Enacted; *And be it Enacted; by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province; and it is hereby Enacted, by the Authority of the same;* That after the Tenth Day of *April*; next after the Ratification of this Act, the several County Courts hereafter to be held for the County of *New-Hanover*; shall be held on the last *Tuesdays* in *February, May, August, and November*, Yearly; and all Continuances and References ordered in the Court held for the said County on the Second *Tuesday* in *March* past; shall be continued over, and all Procefs returnable to the Second *Tuesday* in *June* next; shall be returned to the Court to be held for the said County on the last *Tuesday* in *May* next, and shall not be Error in the Procefs or Proceedings aforesaid.

Repealing Clause.

III. *AND be it further Enacted; That the Clause in the Act intituled, An Act, for erecting the Village called Newton, in New-Hanover County, into a Town and Township, by the Name of Wilmington, and all and every Clause and Clauses in any other Act or Acts; so far as relate to the Time of holding the Courts for the said County, is and are hereby repealed and made void.*

C H A P. X.

An Act, for granting unto his Majesty the Sum of Twenty One Thousand Three Hundred and Fifty Pounds, Proclamation Money, and for stamping and emitting the said Sum of Twenty One Thousand Three Hundred and Fifty Pounds, Public Bills of Credit of this Province, at the Rate of Proclamation Money; to be applied towards building Fortifications in this Province, Payment of the Public Debts, exchanging the present Bills of Credit, and for making proper Provision for defraying the contingent Charges of the Government; and for repealing the several Laws herein after mentioned.

Preamble.

I. **W** H E R E A S, during the present War with *France* and *Spain*, this Province hath received great Damage, by the Enemies Privateers coming into the Ports and Harbours of the same, which are intirely defenceless and without any Fortifications, and taking and carrying away the Vessels thereout, and landing, and plundering the Inhabitants: And whereas the great Scarcity of Currency is such, that it is impracticable to raise a Sum by an immediate Tax on the People, sufficient for building proper Fortifications, for the Defence of the said Ports, and to discharge the Public Debts: Wherefore,

II. **W** E pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted,*
by

by the Authority of the same, That out of the Current Bills of Credit to be emitted by this Act; the Sum of Two Thousand Pounds shall be deposited by the said Commissioners, in the Hands of *Thomas Barker*, Gentleman, Treasurer for the *Northern* Counties, or the Treasurer for the said Counties for the Time being, for the building a Fortification at or near *Ocatack Inlet*, for the Safety and Defence of that Harbour; and the Commissioners hereafter named shall have full Power and Authority to build the said Fortification, and by Warrant under their Hands; or the Hands of the major Part of them; to draw; from Time to Time; out of the Hands of the said Treasurer, such Sum or Sums of Money as shall become due to the several Workmen employed by them in building the said Fortification; and the said Treasurer is hereby required, on such Warrant or Warrants being produced to him, to pay the same accordingly.

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2000 l. to be paid the Northern Treasurer, for a Fortification at *Ocatack Inlet*.

III. *AND be it further Enacted*; That His Excellency the Governor and Commander in Chief for the Time being, Mr. *Benjamin Peyton*, Mr. *Samuel Sinclare*; Mr. *Francis Stringer*, Mr. *James Macklewean*, Mr. *John Haywood*, and Mr. *Peter Payne*, be, and are hereby appointed Commissioners, for erecting and building the said Fortification:

Commissioners appointed, for building the said Fort.

IV. *AND be it further Enacted*; by the Authority aforesaid; That the Sum of One Thousand Five Hundred Pounds shall be deposited by the said Commissioners in the Hands of *Edward Moseley*, Esq; Treasurer for the *Southern* Counties, or the Treasurer of the said Counties for the Time being; for the building a Fortification or Fortifications at or near *Old Top-Sail Inlet*, for the Safety and Defence of that Harbour; and the Commissioners hereafter named shall have full Power and Authority to build the said Fortification or Fortifications, and, by Warrant under their Hands, or the Hands of the major Part of them, to draw, from Time to Time; out of the Hands of the said Treasurer; such Sum or Sums of Money as shall become due to the several Workmen employed by them, in building the said Fortification or Fortifications; and the said Treasurer is hereby required, on such Warrant or Warrants being produced to him, to pay the same accordingly.

1500 l. for a Fortification at *Top-sail Inlet*.

V. *AND be it further Enacted*, That His Excellency the Governor and Commander in Chief for the Time being, Mr. *Thomas Lovick*, Mr. *Arthur Mabson*, Mr. *John Clitherall*, and Mr. *Joseph Bell*; be, and are hereby appointed Commissioners for erecting and building the said Fortification or Fortifications.

Commissioners appointed for it;

VI. *AND be it further Enacted*, by the Authority aforesaid; That the Sum of Five Hundred Pounds shall be deposited by the said Commissioners, in the Hands of the Treasurer of the *Southern* Counties aforesaid, or the Treasurer of the said Counties for the Time being, for the building a Fortification at or near *Bear Inlet*; for the Safety and Defence of that Harbour; and the Commissioners hereafter named, shall have full Power and Authority to build the said Fortification, and, by Warrant under their Hands, or the Hands of the major Part of them, to draw, from Time to Time; out of the Hands of the said Treasurer; such Sum or Sums of Money as shall become due to the several Workmen employed by them, in building the said Fortification; and the said Treasurer is hereby required, on such Warrant or Warrants being produced to him, to pay the same accordingly.

500 l. for a Fort at *Bear Inlet*.

VII. *AND be it further Enacted*, That His Excellency the Governor and Commander in Chief for the Time being, Mr. *Samuel Johnston*, Mr. *Edward Ward*, Jun. Mr. *Stephen Lee*, and Mr. *John Starkey*, be, and are hereby appointed Commissioners, for erecting and building the said Fortification.

Commissioners appointed for it;

VIII. *AND*

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2000 l. for a Fort
at Cape-Fear.Commissioners
appointed to build
it.Treasurers Al-
lowance.Commissioners
appointed for e-
mitting 21350 l.
Bills of Credit.Current Bills to
be exchanged,
within a Year.Public Debts to
be paid by the
Commissioners.

VIII. *AND be it Enacted*, That the Sum of Two Thousand Pounds shall be deposited by the said Commissioners, in the Hands of the Treasurer of the Southern Counties aforesaid, or the Treasurer of the said Counties for the Time being, for the building a Fortification at or near the Mouth of Cape-Fear River, for the Safety and Defence of that Harbour; and that the Commissioners appointed by an Act of the General Assembly, intituled, *An Act, for erecting a Fortification on the lower Part of Cape-Fear River, for applying thereto the Powder-Money already arisen, or which shall arise; by Shipping coming into the Port of Brunswick, to be layed out and applyed towards building a Fortification at Cape-Fear*, shall have full Power and Authority, by Warrant under their Hands, or the Hands of the major Part of them, to draw, from Time to Time, out of the Hands of the said Treasurer, such Sum or Sums of Money as shall be due to the several Workmen employed by them in building the said Fortification; and the said Treasurer is hereby required, on such Warrant or Warrants being produced to him, to pay the same accordingly: And the said Treasurers shall be allowed One *per Cent.* for receiving the said Money, and paying the same out again, as aforesaid.

IX. *AND be it further Enacted, by the Authority aforesaid*, That Eleazer Allen, Edward Mosely, and Samuel Swann, Esqrs. and Mr. John Starkey, are hereby appointed, authorized, and impowered Commissioners, to stamp and make out, or caused to be stamped, with Copper-plates, and signed with their Hands, Public Bills of Credit of this Province, to the Amount of Twenty One Thousand Three Hundred and Fifty Pounds, at the Rate of Proclamation Money; That is to say, Two Thousand Bills of Four Pence each; Two Thousand Bills of Eight Pence each, Two Thousand Bills of One Shilling each; Two Thousand of Eighteen Pence each; Two Thousand of Two Shillings each; Two Thousand of Two Shillings and Six Pence each; Two Thousand of Three Shillings each; Two Thousand of Five Shillings each; Two Thousand of Six Shillings each; Two Thousand of Seven Shillings and Six Pence each; Two Thousand of Nine Shillings each, Two Thousand of Ten Shillings each, Two Thousand of Fifteen Shillings each, Two Thousand of Twenty Shillings each, Two Thousand of Thirty Shillings each, Two Thousand of Forty Shillings each, and Two Thousand of Three Pounds each.

X. *AND be it Enacted, by the Authority aforesaid*, That when the aforesaid Bills are stamped and signed, the Commissioners aforesaid shall, within Twelve Months, exchange the Bills now Current, after the Rate of One Shilling, for Seven Shillings and Six Pence, of those which are at present Current; which Difference of Seven Shillings and Six Pence, for One Shilling, Proclamation, hath continued for divers Years past, and is at present the true Difference; and that after the Expiration of the Twelve Months aforesaid, the present Bills of Credit shall not be exchanged, nor shall be a Tender or taken in any Payment whatsoever.

XI. *AND be it further Enacted, by the Authority aforesaid*, That out of the rest of the Paper Currency, to be stamped and emitted by this Act, the several Persons to whom the Public is debtor, according to the Schedule hereunto annexed, shall be paid the Sums respectively due to them by the Commissioners aforesaid, so soon as the same may be conveniently done, after the Bills by this Act to be emitted, shall be stamped and signed, of which the Commissioners aforesaid are to give truly and proper Notice, by Advertisements, set up at the several Court-houses in this Government, that they will attend at Newbern, to exchange the said Bills, and pay off the Public Debts, during the Sitting of the Two next succeeding General Courts, after such Notice set up as aforesaid.

XII. *AND*

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XII. *AND be it further Enacted, by the Authority aforesaid, That the Bills of Credit to be emitted by this Act, shall be current, and a lawful Tender, in all Payments whatsoever, as Proclamation Money, or as Sterling Money, at the proper Difference there is between Proclamation Money and Sterling; that is to say, At Four Shillings Proclamation Money, for Three Shillings Sterling.*

Bills emitted by this Act, lawful Tender.

XIII. *AND be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall counterfeit, alter, or erase any of the Public Bills of Credit of this Province, or shall aid or assist in counterfeiting, altering, or erasing such Bills, or shall utter any of the said Bills, knowing them to be so counterfeited, altered, or erased, such Person or Persons so offending, shall, for the first Offence, be whipped, at the Discretion of the Court, not exceeding Forty Lashes, and stand in the Pillory Two Hours, and have both Ears nail'd to the Pillory and cut off; and for the second Offence, be deemed a Fellow, without Benefit of Clergy, and shall be adjudged and suffer accordingly.*

Penalty on counterfeiters.

XIV. *AND be it further Enacted, by the Authority aforesaid, That after the several Sums by this Act directed to be emitted and paid, shall have been set apart for the Purposes before mentioned, the Residue and Remainder of the aforesaid Sum of Twenty One Thousand Three Hundred and Fifty Pounds, shall be and remain in the Custody and Keeping of Mr. John Carruthers, in Newbern, in a strong Chest, well secured with Iron, with Three distinct Locks, the Key of one to be kept by the Governor for the Time being, another by the Secretary for the Time being, the third by the Speaker of the Assembly for the Time being, so as the same Bills of Credit may be always ready to defray the contingent Charges of Government, as the Governor, Council, and General Assembly, shall direct; and the same Chest shall not be opened for issuing the Bills of Credit, but in the Presence of the several Persons with whom the Keys are by this Act intrusted, unless otherwise ordered and directed by the General Assembly.*

Remainder of the Public Money where to be kept.

XV. *AND be it further Enacted, by the Authority aforesaid, That the Sum of One Shilling, Proclamation Money, be Annually levied on every Taxable Person within this Province, and be collected by the Sheriff of every respective County, and shall be paid, in Gold, Silver, or Bills of Credit, on or before the First Day of March, Yearly; and that all Persons neglecting to pay the said Tax, at the Time by Law limited, shall be liable to such Distress to be made by the Sheriff, as for Non-Payment of other Taxes; and the said Sheriff of each and every County, on or before the Tenth Day of June, Yearly, shall return a List of Taxables, and also account, upon Oath, and pay into the Hands of the Public Treasurer of the respective Counties, all such Sums of Money as he shall have received by Virtue of this Act, under the Penalty of Two Hundred Pounds, Proclamation Money, for every Default; which said Penalty shall be recovered, by Action of Debt, Bill, Plaint, or Information, in the Supream Court of this Province, by any Person who shall sue for the same; wherein no Essoign, Injunction, Protection, or Wager of Law, shall be allowed or admitted of; the one Moiety to him or them who shall sue for the same, the other to be applied by the General Assembly of this Province for the Use the Tax by this Act is intended: And the said Assembly shall cause the said Bills so paid in, to be Annually burnt and destroyed, until the whole Currency shall be sunk.*

Tax to be laid, for sinking the Bills.

Sheriff to return a List of Taxables, and account with the Treasurer, on Penalty of 200 l.

XVI. *AND whereas there are divers considerable Sums of Loan Money due and unpaid, and the Power of the Treasurers to make Distress is already expired; Therefore, be it Enacted, That the several and respective County Treasurers, their Heirs, Executors, or Administrators, shall, and are hereby impowered and authorized, at any Time hereafter, to make Distress of all Goods and Chattels of*

County Treasurers to make Distress on Debtors for Loan Money.

Y y y

Persons

A. D. 1743.

Persons who are indebted for any Loan Money, or for Want of such Goods and Chattels, to seize and dispose of such mortgaged Lands, in order to discharge such Sum or Sums due and in Arrear on such Mortgages; the Expiration of any Law to the contrary, notwithstanding.

Treasurers to account.

XVII. *AND be it further Enacted, by the Authority aforesaid,* That the several County Treasurers, their Heirs, Executors, or Administrators, shall pay, to the Public Treasurer of the respective Counties in this Province, all the Bills of Credit now in their Hands, or which hereafter shall be by them, or any of them, respectively received; and the said Public Treasurer shall account with, and pay to the General Assembly, all such Sums of Money as they shall receive in Virtue hereof; which shall be burnt and destroyed: And the Clerk of the Assembly shall keep a fair Account of all Monies that shall, from Time to Time, be paid in and burnt.

Commissioners to give Bond.

XVIII. *AND be it further Enacted, by the Authority aforesaid,* That the Commissioners herein before appointed, shall, before they enter upon the Execution of their respective Offices, give in Bond, to his Excellency the Governor, for the Use of the Public, in the Sum of Three Thousand Pounds, Proclamation Money, each, for the due and faithful Execution of his Office, according to the true Intent and Meaning of this Act.

Their Allowance for emitting the Money.

XIX. *AND be it Enacted, by the Authority aforesaid,* That the said Commissioners shall have and receive, for their stamping, exchanging, and paying out the said Bills of Credit, the Sum of Five Hundred Pounds, Proclamation Money.

Acts repealed.

XX. *AND be it Enacted,* That the Act, intituled, *An Act, laying a Tax for sinking the now Current Bills of Credit;* and also the Act, intituled, *An Act, for facilitating the Navigation of the several Ports of this Province, and for buoying and beaconing the Channels leading from Ocracoke to Edenton, Bath-Town, and Newbern, and from Topsail Inlet, to Beaufort-Town, and other Ports and Inlets within the said Province, herein mentioned, and for providing sufficient Pilots for the safe Conduct of Vessels;* and also the Act, for raising a Public Magazine of Ammunition, upon the Tonage of all Vessels trading to this Government; and every Clause and Clauses, Article and Articles of them; and also the Clause of an Act, intituled, *An Act, for appointing Commissioners to revise and print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Government, so far as it relates to the collecting and receiving the said Duties on Wine, Rum, and distilled Liquors, be, and are hereby severally repealed, and declared void, as if the same had never been made.*

SIGNED by

GABRIEL JOHNSTON, Esq; Governor.

Nathaniel Rice, President.

SAMUEL SWANN, Speaker.



A. D. 1748.



Anno Regni

G E O R G I I I I,

Regis, Magnæ Britanniae, Franciæ, &
Hiberniæ, Vicesimo Secundi.

At a General ASSEMBLY, held at Newbern, the
Fifteenth Day of October, in the Year of our Lord One
Thousand Seven Hundred and Forty Eight.

GABRIEL
JOHNSTON,
Esq; Governor,

C H A P. I.

*An Act, to appoint a convenient Place for holding the County Court of
Granville, and to empower the Commissioners hereafter named, to build
a Court-house, Prison, and Stocks in the said County.*

I. **W**HEREAS, by an Act, intituled, *An Act, for dividing Edgcomb
County and Parish, and for erecting the upper Part thereof into a County
and Parish, by the Name of Granville County, and St. John's Parish, and for ap-
pointing Vestrymen of the said Parish;* amongst other Things it was Enacted,
That the Justices of the said Court, or the Majority of them, at their first
Meeting, should nominate and appoint a convenient Place within the said Coun-
ty, to build a Court-house, Prison, and Stocks; which said Justices, being then
unacquainted with the Bounds of the said County, did, by Order of the said
Court, appoint a Place whereon to build a Court-house, Prison, and Stocks;
which said Place, upon Examination, is found to be within Six or Seven Miles
of the *Northeast* Corner of the said County, to the great Incomodity and Detri-
ment of the Inhabitants of the said County attending the said Court: Wherefore,

Preamble.

II. WE pray that it may be Enacted, and be it Enacted, by his Excellency
Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Ma-
jesty's Council, and General Assembly of this Province, and it is hereby Enacted,
by the Authority of the same, That the Court-house, Prison, and Stocks, for
the said County of Granville, shall be erected on or near a Branch of Tar River,
commonly called or known by the Name of *Tabb's Creek*.

Court-house, &c.
where to be e-
rected.

III. AND

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Commissioners
appointed.

III. *AND be it further Enacted, by the Authority aforesaid, That Mr. William Eaton, Mr. Edward Jones, and Mr. Jonathan White, be, and they are hereby appointed Commissioners, to make Choice of a suitable and convenient Place, at or near the said Creek, for the erecting and building thereon a Court-house, Prison, and Stocks; and also, to contract and agree with Workmen to build the same, of such Dimensions as to them shall seem meet and convenient.*

Expence of the
Buildings how to
be paid.

IV. *AND for defraying the Expence thereof, Be it Enacted, by the Authority aforesaid, That so much of the Tax, laid on the Inhabitants of the said County of Granville, by the above recited Act, not already collected, and paid to the Commissioners, shall, by the Sheriff of the said County, be collected, and by him accounted for, and paid, to the said Commissioners in this Act mentioned and appointed, under the Penalty of Ten Pounds, Proclamation Money, and by them applied for and towards building the Court-house, Prison, and Stocks, in this Act mentioned to be built.*

Old Court-house
&c. to be sold,
for the said Use.

V. *AND whereas the Court-house, Prison, and Stocks, already begun to be built, will, after the Court-house, Prison, and Stocks, in this Act mentioned to be built, shall be finished, be of no Service to the said County; Therefore, be it Enacted, That the Commissioners herein appointed, shall have full Power and Authority, and they are hereby vested with full Power and Authority, to sell and dispose of the said Court-house, Prison, and Stocks, to the best Advantage; and the Monies arising by such Sale, shall be by them applied for and towards the building the Court-house, Prison, and Stocks, at Tabb's Creek aforesaid.*

Clause in the be-
fore recited Act
repealed.

VI. *AND be it Enacted, by the Authority aforesaid, That the Clause of the before recited Act, so far as relates to the appointing a Place for building a Court-house, Prison, and Stocks, and building the same, be, and is hereby repealed and made void, to all Intents, Purposes, and Constructions, as if the same had never been made.*

Bonds to stand
good, and no o-
ther Tax to be
laid.

VII. *PROVIDED always, That nothing in this Act shall be construed, to make void any Bond entered into by the Justices of the said County, to any Person or Persons, for the building the Court-house in the recited Act mentioned, or to annul or invalidate, or make void, any Suit that is or may be brought thereon; and that the said Justices lay no further or other Tax than what is already laid, for building the Court-house on Tabb's Creek aforesaid.*

CHAP. II.

An Act, for defraying the Expence of the Members of his Majesty's Honourable Council, and the Members of the General Assembly of this Province, in their travelling to, from, and attending at the said Assemblies; and to compell their Attendance.

Allowance to the
Council, and
Members of the
G. Assembly.

I. **W**E pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That every Member of his Majesty's Council, and every Member of the General Assembly, shall have and receive Seven Shillings and Six Pence, Proclamation Money, per Day, for any Time he shall serve this present Session of Assembly, or any Time he shall serve in any future*

future Assemblies of this Province, and also, the Sum of Seven Shillings and Six Pence, Proclamation Money, *per Day*, for any Time he has this Session of Assembly, or hereafter shall be, in travelling to and from any Assembly of this Province, and attending the same, together with reasonable Allowance for his Ferriages; which Monies so becoming due, shall be put on the Estimate of the Public Debts, a Certificate of which shall be delivered, by the Clerk of the General Assembly, counter-signed by the Speaker, to the Person to whom the same shall become due, who is hereby required to produce the same to His Excellency the Governor and Commander in Chief for the Time being, to be by him signed: Which Certificate so signed, being produced to the Public Treasurer, or Treasurers, shall be a sufficient Warrant for him, and he is hereby required to pay the Sum allowed in such Certificate, out of any Public Money in his Hands, not before otherways appropriated by Law; which shall be allowed to such Treasurer, on settling his Public Accounts:

A. D. 1748.

II. *AND be it further Enacted, by the Authority aforesaid*, That whatsoever Member of his Majesty's Honourable Council, or Member of the General Assembly, shall fail in making his personal Appearance, and giving his Attendance, precisely at the Day limited by the Writ, or appointed by Prorogation, shall be fined, for every Day's Absence during the Sitting of that Assembly, unless by Disability or other Impediments, to be allowed of by the Council or Assembly, with Regard to their respective Members, Ten Shillings, Proclamation Money, *per Day*; to be recovered by a Warrant from the Chairman of his Majesty's Council, if one of their Board, and from the Speaker of the General Assembly, for that House, and directed to the Messenger of the respective House of which such Person so absenting is a Member; who is hereby impowered and required to levy the same, by Distress and Sale of the Offenders Goods, and to return the said Fine or Fines to the Governor, Council, and General Assembly; which shall be by them applied to the Use of the Public:

Penalty on Members absenting themselves.

III. *A N D be it further Enacted, by the Authority aforesaid*, That every Member of his Majesty's Council, or Member of the General Assembly, who, after making his personal Appearance as aforesaid, shall absent himself from the Service of his House, without Leave first had and obtained from such House, shall forfeit and pay the Sum of Forty Shillings, Proclamation Money, for every Day he shall so absent himself; to be recovered, levied, and applied, as aforesaid, and may be sent for in Custody of the Serjeant at Arms, by a Warrant from the Chairman or Speaker aforesaid, at his own Expence, and be further liable to the Censure of the House of which he is a Member, for such his contempt.

Penalty for absenting after Appearance.

C H A P. III.

An Act, for ascertaining the Bounds of a certain Tract of Land formerly laid out by Treaty to the Use of the Tuskerora Indians, so long as they, or any of them, shall occupy and live upon the same; and to prevent any Person or Persons taking up Lands, or settling within the said Bounds, by Pretence of any Purchase or Purchases made, or that shall be made, from the said Indians.

I. **W** H E R E A S Complaints are made by the *Tuskerora Indians*, of divers Incroachments made by the *English* on their Lands, and it being but just that the ancient Inhabitants of this Province shall have and enjoy a quiet and convenient Dwelling-place in this their native County; Wherefore,

Preamble,

Z z z

II. W E

A. D. 1748.

Bounds of the
Indians Lands
confirmed.

II. WE pray it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That the Lands formerly allotted the *Tuskerora* Indians, by solemn Treaty, lying on *Morattock* River, in *Bertie* County, being the same whereon they now dwell, butted and bounded as follows, *viz.* Beginning at the Mouth of *Quitsnoy* Swamp, running up the said Swamp Four Hundred and Thirty Pole, to a Scrubby Oak, near the Head of the said Swamp, by a great Spring; then *North* Ten Degrees *East*, Eight Hundred and Fifty Pole, to a Persimon Tree on *Raqwis* Swamp; then along the Swamp and *Pocofon* main Course, *North* Fifty Seven Degrees *West*, Two Thousand Six Hundred and Forty Pole, to a Hickory on the *East* Side of the *Falling* Run, or *Deep* Creek, and down the various Courses of the said Run to *Morattock* River; then down the River to the first Station; shall be confirmed and assured, and by Virtue of this Act, is confirmed and assured, unto *James Blount*, Chief of the *Tuskerora* Nation, and the People under his Charge, their Heirs and Successors, for ever; any Law, Usage, Custom, or Grant, to the contrary, notwithstanding.

Persons having
Grants, to enter,
on Desertion of
the Indians.

III. *PROVIDED* always, That it shall and may be lawful for any Person or Persons, that have formerly obtained any Grant or Grants, under the late Lords Proprietors, for any Tracts or Parcels of Land within the aforesaid Boundaries, upon the said *Indians* deserting or leaving the said Lands, to enter, occupy, and enjoy the same, according to the Tenor of their several Grants; any thing herein to the contrary notwithstanding.

Indians not to
pay Quit-Rents.

IV. *AND* be it further Enacted, by the Authority aforesaid, That it shall not nor may be lawful, for the Lord *Granville's* Receiver to ask, have, or demand, any Quit-Rents for any of the said Tracts or Parcels of Land, taken up within the said *Indian* Boundaries, as aforesaid, until such Time the *Indians* have deserted the same, and the Patentee be in Possession thereof; and then only for such Rents as shall from thence arise and become due; any Law, Usage, or Custom, to the contrary, notwithstanding.

Penalty on Per-
sons purchasing
Lands of the In-
dians.

V. *AND* be it further Enacted, by the Authority aforesaid; That no Person, for any Consideration whatsoever, shall purchase or buy any Tract or Parcel of Land, claimed, or in Possession of any *Indian* or *Indians*, but all such Bargains and Sale shall be, and are hereby declared to be null and void, and of none Effect; and the Person so purchasing or buying any Land of any *Indian* or *Indians*, shall further forfeit the Sum of Ten Pounds, Proclamation Money, for every Hundred Acres by him purchased and bought; one Half to the Use of the Public, the other Half to him or them that shall sue for the same; to be recovered, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Government, wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

Persons settled
on the Indians
Lands, to re-
move, on a Pen.

VI. *AND* be it further Enacted, by the Authority aforesaid, That all and every Person and Persons, other than the said *Indians* who are now dwelling on any of the Land within the Bounds above-mentioned, to have been allotted, laid, out, and prescribed to the said *Tuskerora* Indians, shall, on or before the Twenty Fifth Day of *March*, next ensuing the Ratification of this Act, remove him or herself and Family off the said Land, under the Penalty of Twenty Pounds, Proclamation Money: And if any Person or Persons, other than the said *Indians*, shall neglect or refuse to move him or herself and Family off the said Lands, on or before the said Twenty Fifth Day of *March* next; and if any Person or Persons, other than the said *Indians*, shall hereafter presume to settle, inhabit, or occupy

occupy any of the said Lands hereby allotted and assigned for the said *Tuskerora Indians*; such Person or Persons shall forfeit the further Penalty of Twenty Shillings, Proclamation Money, for each and every Day he, she, or they shall inhabit or occupy any Lands within the said *Indian* Bounds, after the said Twenty Fifth Day of *March* next; the said Penalties to be recovered and applied in the same Manner as the Penalty in this Act first above mentioned.

A. D. 1748.

VII. AND whereas the said Lands belonging to the *Tuskerora Indians*, have been lately laid out and new marked, by *George Goulde, Esq;* Surveyor General, at the Request of the said *Indians*; Therefore, be it Enacted, That the said *George Goulde, Esq;* have and receive, for the Trouble and Expence he hath been at in laying out and marking the *Indians* Land aforesaid, the Sum of Twenty Five Pounds, Proclamation Money; to be paid by the Public out of the Monies in the Public Treasury.

Surveyor's Fee, for laying out the *Indians* Lands.

VIII. AND whereas the *Indians* complain of Injuries received from People driving Stocks of Horses, Cattle, and Hogs, to range on their Lands; for Remedy whereof, Be it Enacted, That Persons driving Stocks to range, or Stocks actually ranging on the *Indians* Lands, shall, and are hereby declared, to be liable and subject to the like Penalties and Forfeitures, and may be proceeded against in the same Manner, and subject to the same Recoveries, as by the Law of this Province Stocks driven or ranging upon any white Peoples Land are liable and subject to; and the said *Indians* shall and may enjoy the Benefit of the Laws in that Case made and provided, in the same Manner as the white People do or can; any Law, Usage, or Custom, to the contrary, notwithstanding.

Penalty on Persons ranging Stocks on the *Indians* Lands.

C H A P. IV.

An Act, for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Possessions, and for directing the Payment of Quit-Rents.

I. **B**E it Enacted, by his Excellency *Gabriel Johnston, Esq;* Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That all Persons, seized or possessed of any Lands in this Province, by any Title or Claim whatsoever, under the late Lords Proprietors, shall; within Twelve Months after this Act shall be published, in the Manner as is herein after mentioned, register, or tender to be registred or entered, their Patent, Grant, or mesne Conveyance, by which they claim, if in his Majesty's Part of the Province, in the Office of the Auditor-General, or his Deputy, if such Lands are not already entered in the said Office, for which no Fee or Reward shall be taken, or with the Clerk of the County Court where such Lands may lie, who shall take and receive the Sum of Sixteen Pence, Proclamation Money, for each Patent, Grant, or mesne Conveyance, or the Abstract thereof; which Abstract shall contain the Buttings and Boundings, or Descriptions of the said Lands so registred or entered; and shall likewise transmit an exact Copy of the same Patent, Grant, or mesne Conveyance, or the Abstract thereof, so registred, to the Office of the Auditor-General, or his Deputy, on or before the first Day of *January*, in the Year of our Lord One Thousand Seven Hundred and Forty Nine, under the Penalty of Five Pounds, Proclamation Money; to be recovered, by Action of Debt, in any of his Majesty's Courts of Record within this Province, by any Person whatsoever that will sue for the same.

Lands holden in this Province to be registred within 12 Months, on Pen. of 5 l.

II. AND

A. D. 1748.

Earl Granville's
Lands to be re-
gistered likewise.

II. *AND be it further Enacted, by the Authority aforesaid,* That all Persons seized or possessed of any Lands within that Part of the Province granted by his Majesty, the Seventeenth Day of *September*, in the Eighteenth Year of his Reign, in the Year of our Lord One Thousand Seven Hundred and Forty Four, unto the Right Honourable *John Earl Granville*, by the Name, Stile, and Title of the Honourable *John Lord Carteret*, shall, within Twelve Months after this Act shall be published, in the Manner as is herein after mentioned, enter, or tender to be entered, their Patent, Grant, or mesne Conveyance, by which they claim any such Lands, in the Office of the Right Honourable the Earl *Granville*, at *Edenton*, or at the County Court-house where the Land lieth, with such Person as shall be appointed by the said Earl's Agent or Agents, who shall enter the same, or an Abstract thereof, for which no Fee or Reward shall be paid; which Abstract shall contain the Buttings and Boundings, and Descriptions of the said Lands.

Patents not en-
tered in the Au-
ditor's or Earl's
Offices, declared
void.

III. *AND be it further Enacted, by the Authority aforesaid,* That all Patents, Grants, or mesne Conveyances of Lands, claimed under the Lords Proprietors, which shall not be entered, or tendered to be entered, as aforesaid, either in the Auditor's Office, or the Office of the Earl *Granville*, shall be deemed and taken to be null and void, and all the Lands thereby granted, to be vacant Lands, and shall and may be granted by his Majesty, his Heirs and Successors, or by the Earl *Granville*, his Heirs or Assigns, to any Person whatsoever; excepting the Lands of Orphans, or Minors, who shall be allowed Twelve Months, after they arrive at Age, to enter the same in the Auditor's Office, or the Office of the Earl *Granville*; except also all Persons now absent in Parts beyond the Seas, who shall be allowed Five Years for entering such Titles, in Case they continue so long absent, but if they arrive sooner, then only Eight Months after their Arrival.

Lands of Orphans
&c. excepted.

Public Register to
transmit a List of
all Lands con-
veyed, to the
Auditor, &c.
Yearly, on Pen.
of 5 l.

IV. *AND for the better ascertaining a Yearly Rent-Roll to his Majesty, and Earl Granville, and for the securing the Quit-Rents for such Lands as shall hereafter be transferred from one Person to another, by mesne Conveyance, or Will; Be it further Enacted, by the Authority aforesaid,* That the Public Register in each and every County within this Province, shall, on or before the first Day of *February*, Yearly, and every Year, transmit to the Office of his Majesty's Auditor-General, or his Deputy, or to the Agents of the Lord *Granville*, if the Lands lie in that Part of the Province granted to the said Lord by his Majesty, a true and exact List of all the Lands so conveyed within such County for which he is Register, containing the Parties Names, the Number of Acres, Situation of such Lands, and the Date of such Conveyance, under the Penalty of Five Pounds, Proclamation Money, for each Neglect; to be recovered, by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record within this Province, wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of, by any Person who shall sue for the same; for which such Register shall take and receive of the Party registering, Eight Pence, Proclamation Money, for each Deed or mesne Conveyance: And that the Secretary for the Time being, or his Deputy, do, in like Manner, on or before the first Day of *February*, Yearly, and every Year, transmit to the Office of his Majesty's Auditor-General, or his Deputy, or to the Agents of the Lord *Granville*, if the Lands lie in that Part of the Province granted to the said Lord by his Majesty, a true and exact List of all the Lands bequeathed by Will, recorded in the Secretary's Office, containing the Date of the Will, the Name or Names of the Legatees, the Number of Acres, and the Counties where such Lands lie, under the like Penalty; to be recovered as aforesaid; for which the said Secretary, or his Deputy, shall take and receive, of the Parties lodging such Wills in the Secretary's Office, Eight Pence, Proclamation Money, for each Will.

Secretary to
transmit, Yearly,
Copies of all
Wills, under the
like Penalty.

V. AND

A. D. 1748.

V. AND whereas several Persons have been many Years in quiet Possession of Lands in this Province, and have, by Fire or otherwise, lost their Patents, Grants, or mesne Conveyances of their Lands; *Be it Enacted, by the Authority aforesaid,* That all Persons who have, or those under whom they claim, have been in actual and quiet Possession of any Tract or Tracts of Land, for the Space of Twenty Years, next before the Ratification of this Act, and shall make Proof thereof before the Governor and Council, or General Court, or the Court of the County where the Land lieth, and shall enter such Proof in the Auditor's Office, or Office of the Earl *Granville*, in Case the Land shall lie within his Territory or District; that then, and from thenceforth, such Persons, their Heirs and Assigns, shall quietly hold and enjoy such Tract or Tracts of Land, against his Majesty, his Heirs and Successors, or against the said Earl *Granville*, his Heirs and Assigns, he or they paying the highest Quit-Rents that were actually reserved and made payable to the late Lords Proprietors, in the respective Counties where such Lands lie.

20 Years quiet Possession deemed a good Title to Lands.

VI. *AND be it further Enacted, by the Authority aforesaid,* That the Quit-Rents hereafter to be paid for any Lands already granted, or that shall hereafter be granted, within this Province, or which have been actually possessed by any Person for the Space of Twenty Years last past, shall be paid in Proclamation Money, at the Court-house in the County where such Land lieth, or in Inspectors Notes for Tobacco, at One Penny, Proclamation Money, *per* Pound, or Indigo, at Four Shillings, Proclamation Money, *per* Pound, good and merchantable; and such as the Inspector shall judge will be intitled to the Bounty given by Act of Parliament, being well inspected, after the same Manner as Tobacco is to be inspected for Payment of Public Taxes, if delivered at such inspecting Houses as are appointed by Law, where Boats or Pettiaugas may conveniently go to receive the same; and provided, that the Tobacco to be delivered at such Houses, shall not weigh less than Nine Hundred Weight, Nett Tobacco, in each Hogshead.

Quit-rents what to be paid with.

What relates to Indigo, repealed.

VII. *AND be it further Enacted, by the Authority aforesaid,* That it shall and may be lawful for the Inhabitants of all and every County or Counties that have not an Inspecting-house within their County or Counties, at a convenient Landing, to send their Tobacco or Indigo to the next convenient Inspecting-house in any other County, where any Boat or Pettiauga may conveniently come, to transport or take away such Tobacco or Indigo, in Manner as aforesaid; and the Inspector of such Inspecting-house shall receive and inspect the same, at the said Inspecting-house; provided such Tobacco shall be delivered at the said Inspecting-house in Hogsheads, containing not under Nine Hundred Weight of Nett Tobacco, each.

Where Commodities may be inspected.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That the Record of every Patent or Grant registred in the Secretary's Office, or the Abstracts of them, entered in the Auditor's Office, or the Office of the Earl *Granville*, or Exemplifications of them, duly proved, shall be as good and valid in Law, as if the Originals were produced, and may be pleaded and given in Evidence as well as if the Originals were in Being.

Record of Patents to be good in Law.

IX. *AND be it further Enacted, by the Authority aforesaid,* That the Secretary shall make out, and send to the Clerk of the Court of every County in this Province, a Copy of this Act, within Three Months next after the Ratification hereof, under the Penalty of Twenty Pounds, Proclamation Money; and the Clerk of every County Court shall, the first Court after the Receipt of such Copy, publish the same, by publickly reading thereof in open Court, the second

Secretary to send a Copy of this Act to the several Counties.

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Day of the Sitting of the said Court, under the Penalty of Twenty Pounds, Proclamation Money; the said Penalties to be recovered, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Province, by him or them that will sue for the same.

C H A P. V.

An Act, to appoint an Agent, to solicit the Affairs of this Province at the several Boards in England.

Preamble.

I. **W** H E R E A S for Want of an Agent, appointed by Public Authority, to solicit and truly represent the Affairs of this Province at the several Boards in *England*, they have often been misrepresented there, to the great Prejudice of the Inhabitants of the said Province: Wherefore,

Agent appointed.

II. **W** E pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That James Abercromby, of London, in the Kingdom of Great-Britain, Esq; be, and is hereby appointed Agent of this Province, from the Ratification of this Act, for and during the Term of Two Years, next after the Twenty Fifth Day of March ensuing, to solicit, represent, and transact all such Public Affairs and Business, now relating to the said Province, or that shall or may be moved concerning the same, at any of the Boards in England, during the said Term or Time, according as he shall, from Time to Time, find Occasion, or be directed and instructed; by the Committee of Correspondence herein after appointed.*

His Salary.

III. **A** N D that the said *James Abercromby, Esq;* in Consideration of his Trouble, Charges, and Expences, in transacting the Public Business of this Province, as Agent, to this Time, and until the Twenty Fifth Day of *March*, next ensuing, be, and is hereby allowed, the Sum of One Hundred Pounds, *Sterling*, to be paid immediately after the Ratification of this Act, to the said Committee, for the Use of the said *James Abercromby, Esq;* out of the Public Treasury, by a Warrant from his Excellency the Governor; which said Sum shall, by the said Committee, be remitted to the said *James Abercromby*, by the first Opportunity; and also, the further Sum of Fifty Pounds, *Sterling*, Yearly, for the said Two Years next after the said Twenty Fifth Day of *March*, after the Ratification of this Act; which said Sum of Fifty Pounds, shall be Yearly paid, out of the Public Treasury, to the said Committee, for the Use of the said *James Abercromby*, by Warrant from his Excellency the Governor, and be remitted, by the said Committee, to the said *James Abercromby*.

Committee of Correspondence appointed.

IV. *AND be it further Enacted, That the Honorable Robert Halton, and Eleazer Allen, Esqrs. and Samuel Swann, John Swann, and John Starkey, Esqrs. and the Majority of them, or the Majority of the Survivors of them, be, and they are hereby nominated and appointed a Committee of Correspondence, from the Ratification of this Act, and during the Continuance of the said Agency; and shall, from Time to Time, during the said Two Years, correspond with the said James Abercromby, Esq; and advise, direct, and instruct him in all such Matters relating to this Province, as may be moved or solicited, or that they may think proper, at any Time, to move or solicit before his Majesty in Council, or at any of the Boards in England: And the said Committee shall, from Time to Time,*

as often as required, lay before the Governor, Council, and General Assembly, the Advices they shall receive from the said Agent, during the said Two Years; and also Copies of such Dispatches, Orders, and Directions, as they shall send to him.

A. D. 1748.

V. *AND be it Enacted, by the Authority aforesaid, That this Act shall be in Force, for and during the Space and Term of Two Years, next after the Twenty Fifth Day of March next, and no longer.*

Continuance of the Act.

C H A P. VI.

An Act, for the better regulating the Town of Newbern, for fencing the same, and securing the Titles of the several Persons who hold Lots in the said Town.

I. **B**E it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same, That it shall and may be lawful for such Persons; who are qualified by Law to vote for a Member to serve in General Assembly for the said Town of Newbern, Yearly, and every Year, after the Ratification of this Act, to assemble and meet, at the Court-house in Newbern, on the first Tuesday in November, and then and there choose, by Ballot, in the same Manner as directed in the Law for regulating Elections for Members of Assembly, Five Freeholders, Inhabitants of the said Town; and no more, as Commissioners for the said Town; and that upon the said Commissioners being chosen, and their Names being properly entered in the Journal of the Proceedings of the said Town, they shall, before they enter on the said Office, take the following Oath :

Commissioners to be chosen.

I A. B. do swear, That I will execute the Office of a Commissioner, faithfully and truly, without Favour, Affection, or Prejudice; and in all Things act for the Good of the Town; and the well governing of it, to the best of my Skill and Judgment.

Their Oath.

So help me God.

And the said Commissioners, after having been so chosen and sworn as aforesaid, shall proceed to elect one out of their Number to be Treasurer for the said Town, and enter such Election in the Journal of the said Town; into which Treasurer's Hands all Monies arising by Sale of Lots, or otherwise by Fine, shall be paid and kept, till disposed of as hereafter directed; who is also hereby required to account with the Proprietor of the said Town, for such Monies as arise by Sale of Lots, and also with the succeeding Treasurer and Commissioners, for all other Monies by him received, during his being Treasurer aforesaid.

Treasurer to be appointed.

II. *AND be it further Enacted, by the Authority aforesaid, That the Commissioners for the Time being, or the Majority of them, may, and they are hereby empowered, to order the Owner of any Lot or Lots to clear all or any Part of them, and to make proper Drains or Water-Courses thro' them, in Six Months after such Order, signed by the Commissioners for the Time being, or the Majority of them; and any Person refusing to comply with the same, or neglecting, shall forfeit and pay Twenty Shillings, Proclamation Money: The Commissioners are hereby also empowered to issue their Warrant, at least Twice a Year, to the Constable, to warn all the Male Tithables to clear or repair the Streets, or make or mend any Public Wharfs or Docks; and also appoint Overseers; any Per-*

Persons to clear their Lots, on Pen. of 20 s.

Male Tithables to work on the Streets, on Pen. of 2 s. 8 d. for every Neglect.

son

A. D. 1748.

son neglecting or refusing to work as directed in the Warrant, or to furnish a sufficient Hand in his or her Place, shall forfeit and pay Two Shillings and Eight Pence, Proclamation Money, *per Day*, for every such Refusal or Neglect.

Tax to be laid for
fencing in the
Town.

III. AND whereas the inclosing and fencing the Town of *Newbern*, will be not only commodious to the Inhabitants, but convenient for Travellers, as well as all other Persons who have Business in the said Town; *Be it Enacted, by the Authority aforesaid*, That the Commissioners for the Time being, or the Majority of them, are hereby impowered to employ and hire Workmen to make up a good and sufficient Fence round the said Town, with such Gates as they shall think proper, and compute the Charge of the making or repairing the same, and lay the same, on the Third *Tuesday* in *March*, Yearly, before the County Court, which is hereby impowered to lay a Tax or Levy on each Tythable Person in the County of *Craven*, and on each Person of a sated Lot in the Town of *Newbern*, and taxable Persons inhabiting the same, for defraying the said Charge, not exceeding Four Pence, Proclamation Money, Yearly, to be collected by the Sheriff, in the same Manner, and under the same Penalties, as other County Taxes are usually collected; and the Town so fenced is hereby declared to be a Public Pasture, for the Horses of all Travellers, during their Stay in Town, but no longer, nor for any other Creature, except Horses.

Penalty on Per-
sons destroying
the Fence.

IV. *AND be it further Enacted, by the Authority aforesaid*, That any Person whatsoever who shall pull down, take away, or by any Means destroy any of the Rails of the said Fence, or any Part thereof, and being thereof lawfully convicted by the Oath of any credible Witness, before one or more Justices of the Peace, shall forfeit and pay, into the Hands of the Commissioners, for the first Offence, Twenty Shillings, Proclamation, and for the second, Forty Shillings, like Money; to be recovered by the Commissioners, by Warrant from Two Justices of the Peace; which Monies so recovered, shall be applied towards repairing the said Fence.

Penalty on Per-
sons keeping
more Stock in
Town than al-
lowed by Law.

V. *AND be it further Enacted, by the Authority aforesaid*, That none of the Inhabitants of the said Town, shall keep, or cause to be kept, running at large within the Bounds of the said Town, more than one Cow and Calf, or one Horse, or Six Head of Sheep, for one sated Lot, and so in Proportion for each sated Lot by them possessed, under the Penalty of Twenty Shillings, Proclamation Money, for each and every Offence; to be recovered as in this Act is hereafter directed.

Hogs not to run
at large, on Pen.
of Forfeiture.

VI. *AND be it further Enacted, by the Authority aforesaid*, That none of the Inhabitants of the said Town, shall suffer any Hog or Hogs to run at large within the Bounds of the said Town, under the Forfeiture of such Hog or Hogs, to any Person who shall seize or kill the same.

None but Inha-
bitants to keep
any Stock in
Town, on Pen.
of 20 s.

VII. *AND be it further Enacted, by the Authority aforesaid*, That no Person or Persons whatsoever, (except the Inhabitants of the said Town) shall keep, or cause to be kept, any Horses, Cattle, or Sheep, within the said Town, under the Penalty of Twenty Shillings, Proclamation Money, for each and every Offence; to be recovered and applied as hereafter directed, except their riding Horses, during their Stay in Town: And the Commissioners, or the Majority of them, for the Time being, are hereby authorized to cause a Pound to be built and erected, to impound any Horse or Horses, Cattle or Sheep, found at large within the Bounds of the said Town, contrary to the Meaning of this Act.

Penalties how to
be recovered.

VIII. *AND be it further Enacted, by the Authority aforesaid*, That the several Penalties in this Act mentioned, except for destroying the Fence aforesaid, shall,

shall, by the Commissioners, or the Majority of them, be recovered by a Warrant from Two Justices of the Peace, and be applied towards the making Public Wharfs, erecting a Pound, or repairing the Streets, and to no other Purpose.

A. D. 1748.

IX. AND whereas the Settlement of the Town of *Newbern*, hath been much retarded by Persons taking up Lots in the said Town, and not building thereon, as by the Tenor of their Deeds or Grants, and the Law, intituled, An Act, for the better settling the Town of *Newbern*, is expressly provided :

X. AND whereas, after the Time therein limited thereon, the same Persons have been permitted to enter and take up the same again, whereby some of the most convenient Lots in the said Town lie unimproved : For Prevention whereof for the future ;

XI. *BE it Enacted, by the Authority aforesaid*, That the Commissioners of the said Town for the Time being, or any Three of them, whereof the Treasurer to be one, are hereby authorized, impowered, and directed, to grant, convey, and acknowledge, to any Person requiring the same, any Lot or Lots of Land within the said Town, not already taken up and built on, agreeable to the said Act, or any Lot or Lots that may hereafter be liable to be taken up for Want of being built on as aforesaid, for the same Consideration, and under the same Restrictions, Limitations, and Forfeitures, as Lots have heretofore been granted, agreeable to the said Act of Assembly for the better settling the Town of *Newbern*, before mentioned.

Any three Commissioners, the Treasurer to be one, may convey Lots.

XII. *PROVIDED nevertheless*, That where any Person shall have taken up any Lot or Lots, and hath not built thereon and improved the same, agreeable to the Tenor of his or her Deed or Grant, and the aforesaid Act of Assembly, the same Person (except where the Title of such Lot or Lots, before the Expiration of the Time for building thereon, shall fall to a Minor or Minors) shall not have the Preference to be allowed to take up the same again, until the same hath layed vacant Six Months ; but the same may and shall, immediately, or any Time after, be granted to any other Person desiring the same, on the same Conditions mentioned by the said Law ; and the Commissioners for the Time being, are hereby required to keep a fair Book wherein they shall enter the Time when any Lot was granted, and to what Person, and also of the Time when the same became lapsable ; which Book any Person shall have free Liberty of perusing, as they see proper, at all Times.

Persons not improving their Lots according to Law, not to take them up till they have lain vacant 6 Months.

XIII. AND whereas fundry Disputes may hereafter arise, concerning the Titles to the Lots in *Newbern*, and the Bounds thereof ; *Be it Enacted, by the Authority aforesaid*, That the Commissioners or Justices formerly appointed, by Act of General Assembly of this Province, intituled, *An Act, for the better Settling of the Town of Newbern, in the Precinct of Craven*, and their Successors, are hereby declared to have had a good, absolute, and indefeasible Estate, in Fee, in the Two Hundred and Fifty Acres of Land, by the said Act of Assembly allotted and laid out for the Town of *Newbern*, respectively, in Trust and Confidence, to and for the Uses in the said Act mentioned ; and the Commissioners or Justices for this Act, hereafter to be chosen and elected, as before mentioned, are hereby declared to have, for the Time being, a good, absolute, and indefeasible Estate, in Fee, in all such Lands or Lots within the Limits of the said Town, which have not been disposed of by the former Commissioners or Justices, and built on, agreeable to the before recited Act for settling the said Town, but in Trust and Confidence, to and for the Uses in the before recited Act mentioned, and for no other Use or Purpose whatsoever ; and the said Land or Lots contained in the said Two Hundred and Fifty Acres of Land, are hereby confirmed to the

Titles to Lots confirmed.

A. D. 1748.

said Commissioners or Justices, for the Time being, in Fee, to the Use or Uses in the said Act mentioned, and to no other Use or Purpose whatsoever.

Titles to Lots saved before the said Act, to be good.

XIV. *PROVIDED* always, and be it further Enacted, That nothing in the afore-recited Act, or in this Act, shall be construed or extend to the defeating the Title to any Lot in the said Town which had been built upon and improved before the first recited Act; any Thing in the same to the contrary, notwithstanding.

Titles to Lots purchased of the old Commissioners, and saved, declared good.

XV. *AND* be it further Enacted, by the Authority aforesaid, That all and every Person or Persons, who have purchased and paid for any Lot or Lots of Land in the said Town of *Newbern*, of any of the Commissioners or Justices, pursuant to the above-mentioned Act of Assembly, and have fully complied with the Conditions in the said Act mentioned; and all Persons which hereafter may purchase and pay for any Lot or Lots of Land in the said Town, of any of the Commissioners hereafter to be elected and chosen, agreeable to this Act, and shall fully comply with the Conditions in their Deed or Grant, and the above recited Act of Assembly; are hereby declared to be invested with a good, absolute, and indefeasible Estate, in Fee, to such Lot or Lots, and the same are hereby confirmed, in Fee, to such Person or Persons, and to his and their Heirs and Assigns, for ever.

Front Lots may be taken up and improved.

XVI. *AND* be it further Enacted, by the Authority aforesaid, That all Water or Front Lots, adjoining the Streets or Lots of the said Town of *Newbern*, shall be deemed, held, and taken to be Part of the said Town; and it shall and may be lawful for any Person to take up the same, and build thereon, any Wharf, Warehouse, or other Improvements, as they shall think proper, after giving Three Months Notice to the Owner or Owners of such Lots as shall front such Water Lots.

Clerk to be appointed, who shall keep a fair Journal, and register therein all Deeds for Lots; to be free for the Perusal of all Persons.

XVII. *AND* be it Enacted, by the Authority aforesaid, That it shall and may be lawful for the Commissioners aforesaid, to choose, employ, and agree with a proper Person, as Clerk of the said Town; which Clerk is hereby required to keep a fair and regular Journal of all the Proceedings concerning the said Town, and register therein all Deeds given by the Commissioners for Lots, entered and taken up, for which he shall receive, from the Owner or Taker-up of the said Lot, Two Shillings and Eight Pence, Proclamation Money, and no more; which said Book or Journal shall be free for any Persons Perusal, on paying One Shilling, Proclamation Money, under the Penalty of Twenty Shillings, like Money; to be recovered from the said Clerk, in Manner aforesaid, for every such Refusal or Neglect, to be recovered as aforesaid.

New Plan to be made, and laid before the Governor and Assembly.

XVIII. *AND* be it further Enacted, by the Authority aforesaid, That the Commissioners of *Newbern*, shall cause to be made a new and correct Plan of the said Town, with proper Descriptions, and lay the same before the Governor, Council, and General Assembly, at their next Sitting; which Plan, when approved of by them, shall be deemed and taken to be the true Plan of the said Town, and no other Plan to be admitted: Provided, That in the same Plan so to be made, Regard shall be had to the first Owner of every saved Lot, to preserve his Title thereto, altho' it should appear that the same was misnumbered.

Saved Lots to be registered in 6 Months after this Act, or the Date of the Conveyance.

XIX. *AND* be it further Enacted, by the Authority aforesaid, That all and every Person or Persons, who have or hold Lots already saved in the said Town, or that shall hereafter save any Lot or Lots in the said Town, such Person or Persons shall, within Six Months after the Ratification of this Act, register all such

such Lot or Lots already saved, with the Register of the said County, or within A. D. 1748.
Six Months after the Date of such Deed or Conveyance.

XX. *AND be it Enacted, by the Authority aforesaid,* That the Clause in the before recited Act, and so much thereof as relates to the appointing Commissioners or Justices for the Town of *Newbern*, be, and is hereby repealed, to all Intents and Purposes. Repealing Clause.

C H A P. VII.

An Act, to alter and amend an Act, intituled, An Act, for appointing Commissioners to revise and print the Laws of this Province; and for granting unto his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province.

I. **W** H E R E A S the revising and printing the Laws of this Province, Preamble,
tho' so very much wanted and desired, hath hitherto met with unexpected Delay : For Remedy whereof,

II. *WE* pray your most Sacred Majesty that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of same,* That such Commissioner or Commissioners only in the above recited Act mentioned, who shall revise and compile the Laws of this Province into one Body, and make an Index, Marginal Notes, and References thereto, ready to be laid before the General Assembly, by them to be ratified and confirmed, shall have and receive, to his and their own Use; the Sum of Sixty Pounds, Proclamation Money, in the said above recited Law mentioned; and in Order to enable the said Commissioner or Commissioners to procure an able Clerk or Clerks to expedite the same, he or they shall have and receive the additional Sum of Forty Pounds, Proclamation Money; to be paid by the General Assembly, out of the Duty already arisen by Virtue of the said Act; and in Case any Deficiency shall happen, then the said Commissioner or Commissioners shall be paid the same out of the Public Treasury : Provided the said Laws shall be revised, compiled, and compleated, ready to be laid before the General Assembly of this Province, within the Space of Five Months, next after the Ratification of this Act, or at the first Meeting of the General Assembly after that Term, and not otherwise. Allowance to the Commissioners for revising the Laws.

III. *AND be it further Enacted, by the Authority aforesaid,* That such Commissioner or Commissioners, who shall revise and compile the said Laws as aforesaid, after the Ratification of the same, shall print them, together with such other Laws as shall be passed to the Time of such Ratification, and shall have the Benefit and Advantage of the sole printing and vending the said Books, for the Space of Five Years; and also, have and receive, to his or their own Use, for printing and delivering the several Books of the said Laws, mentioned in the above recited Act, so revised and compiled, the Sum of One Hundred Pounds, Proclamation Money; and may lawfully take and receive the Sum of Twenty Shillings, Proclamation Money, for each bound Book by him or them printed and sold, and no more. Commissioners to have the sole vending for 5 Years, and 100^l. for printing.

IV. *AND*

A. D. 1748.

Printed Laws to
be given in Evi-
dence.

Penalty on Per-
sons offering any
to Sale, without
Licence.

IV. *AND be it further Enacted*, That the said Laws so revised, compiled, and printed, by one or more of the Commissioners aforesaid, and ratified by the General Assembly, as aforesaid, shall be allowed to be given in Evidence, and, to all Intents and Purposes, be as good and valid in Law, as tho' they had been revised, compiled, and printed, by all the Commissioners, or the Majority of them: And all Persons are hereby prohibited to import or vend any printed Book or Books of the said Laws in this Province, other than such Person or Persons as shall be authorized and impowered by the Commissioner or Commissioners who actually revised, compiled, and printed the same, under the same Penalties, and to be recovered in the same Manner, as is prescribed in the Act first above recited, in Case the whole Number of Commissioners, or the Majority of them, had revised, compiled, and printed the said Laws; any Law, or Clause of a Law, to the contrary, notwithstanding.

SIGNED by

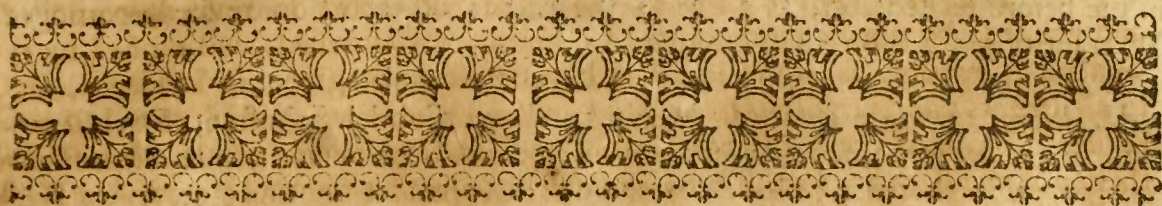
GABRIEL JOHNSTON, Esq; Governor.

Nathaniel Rice, President.

SAMUEL SWANN, Speaker.



A. D. 1749.



Anno Regni

GEORGE II.

Regis, *Magnæ Britanniae, Franciæ, &*
Hiberniæ, Viceffimo Secundi.

At a General ASSEMBLY, held at *Newbern*, the GABRIEL
Fourteenth Day of *April*, in the Year of our Lord One JOHNSTON,
Thousand Seven Hundred and Forty Nine. Esq; GOVERNOR.

GABRIEL
JOHNSTON,
Esq; Governor.

CHAP. I.

An additional Act to an Act, intituled, An Act, for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Possessions, and for directing the Payment of Quit-Rents.

I. **W**HEREAS, by an Act of the General Assembly of this Province, passed the Sixteenth Day of *October*, in the Year of our Lord One Thousand Seven Hundred and Forty Eight, intituled, *An Act, for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Possessions, and for directing the Payment of Quit-Rents*; it is, among other Things, Enacted, that the Quit-Rents hereafter to be paid for any Lands already granted within this Province, or which have been actually possessed by any Person for the Space of Twenty Years last past, shall be paid in Proclamation Money, at the Court-house in the County where such Land lieth, or in Inspectors Notes for Tobacco, at One Penny Proclamation Money, *per Pound*, or Indico, at Four Shillings, Proclamation Money, *per Pound*, good and merchantable, and such as the Inspector shall judge will be intituled to the Bounty given by Act of Parliament, being well inspected; after the same Manner as Tobacco is to be inspected for Payment of Public Taxes; if delivered at such Inspecting houses as are appointed by Law, where Boats or Pettiaguas may conveniently go to receive the same; and provided, that the Tobacco to be delivered at such Houses, shall not weigh less than Nine Hundred Weight, Nett Tobacco, in each Hogshhead: And whereas large Arrears of Quit-Rents are now become due to his Majesty,

C 4

and

A. D. 1749.

and to the Right Honourable the Earl of *Granville*, and no Provision being made in the before recited Act, as a Fee to the Sheriffs of each County for executing a Warrant of Distress on the Defaulters :

Sheriffs Fees for
Distress for Quit-
Rents.

II. *BE it therefore Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province,* That from and after the passing of this Act, every Sheriff of any County in this Province, or other Person who shall be appointed Deputy-Receiver of his Majesty's Quit-Rents, or Collector and Receiver of the Quit-Rents due to Earl *Granville*, shall have and receive the same Fees for executing a Warrant of Distress, as are appointed by Law in Cases of Executions at the Common Law; and shall be subject to the same Penalties for any Exaction, or receiving more than such Allowances as are in that Case made and provided.

Auditor to trans-
mit, every six
Months, to the
Receiver-Gener-
al, Extracts of
Conveyances, &c.
on Pen. 2 s. 6 d.
for every Neglect.

III. AND in order to prevent any Mistakes that may arise, by the Receiver-General, or the Earl *Granville*'s Collector or Receiver, their not knowing what Lands are transferred from one Person to another within this Province, either by Will, mesne Conveyance, or other Transfer; *Be it Enacted, by the Authority aforesaid,* That the Deputy-Auditor for the Time being, shall, every Six Months, transmit to the Receiver-General for the Time being, the same Extracts of all such Legacies, mesne Conveyances, or other Transfers of Land from one Person to another, as he shall, from Time to Time, receive from the Secretary of this Province, or from the Registers of each County respectively, under the Penalty of Two Shillings and Six Pence Proclamation Money, for each Extract he shall neglect so to transmit; to be recovered as other Penalties are directed to be recovered by the afore recited Act; the said Extracts to contain the Names of all the Parties, the Number of Acres of Land, where situated, and at what Quit-Rents the said Lands are held.

Persons to whom
Lands are devised
chargeable with
the Quit-rents.

IV. *AND be it further Enacted,* That after the Register or Secretary shall, as before mentioned, transmit such List, as aforesaid, the Person to whom such mesne Conveyance is made, or to whom any such Lands shall be devised by Will, shall (all Arrears of Quit-Rents being first paid) only be chargeable with the Quit-Rents of such Land, and no other Person whatsoever: Any Law, Usage, or Custom, to the contrary, notwithstanding.

Regulation of
Warrants of Distress.

V. AND in order to prevent any Complaints that may arise by Mistake on Warrants of Distress to be issued against Defaulters, of the exact Sum which shall be due, and which, from the great Number of Defaulters, and the Length of Time they have been in Arrear, may probably happen; *Be it Enacted, by the Authority aforesaid,* That where any Warrant of Distress shall be issued by the Receiver-General, or the Earl *Granville*'s Receiver, to be levied on any Defaulter, and the said Defaulter shall think himself overcharged, or that the Sum mentioned in the said Warrant is not due to the Crown, or to the Earl of *Granville*; in such Case the said Defaulter shall, and is hereby required; to produce his last Receipt for the Quit-Rents of such Lands as the Warrant shall be issued for, and shall be accountable only from the Date of such last Receipt; but if such last Receipt shall be lost or mislaid, and the Defaulter shall apprehend he is overcharged in the said Warrant, that then such Defaulter shall make Oath, before any Magistrate, That such last Receipt is, *bona fide*, lost or mislaid, or otherwise not in his Power to produce; and he verily believes in his Conscience he is not indebted to the Crown, or the Earl *Granville*, in the Sum mentioned in the Warrant: In which Case, the Sheriff of the County or other Deputy to whom the Warrant shall be directed, shall stop all Proceedings for that Time, and make Report thereof to the Receiver-General, or the Earl *Granville*'s Receiver, in order to rectify the said Mistake; if any otherwise, the said Defaulter shall be accountable

countable for the whole Sum mentioned in the said Warrant; and the Sheriff or A. D. 1749.
other Deputy shall levy the same accordingly.

VI. *PROVIDED*, That no Distress be made upon any Negro or Negroes, Ox, or Oxen, Horse, or Horses of the Plough, nor any necessary Utensils for Husbandry, where other sufficient Distress is produced; and that all Distresses made in Virtue of this Act, shall be safely kept by the Sheriff or other Person making the same; until the Second Day of the next subsequent Court of the County where such Distress shall be made; and shall then be sold for Gold, Silver, Bills, or Inspectors Notes for Tobacco, and Indico, by the said Sheriff, or other Person making such Distress; as aforesaid, (except redeemed before that Time by the Person from whom taken) at Public Vendue, to the highest Bidder; the Surplus of such Distress; if any, after the Quit-Rent and Officers Fees deducted, shall be returned to the Person from whom such Distress shall be taken.

No Distress to be made on Negroes, &c.

VII. *AND* whereas; in the before recited Act no Allowance is made to any Person or Persons for the Hoghead in which any Tobacco may be paid for Quit-Rents, agreeable to the said Act; *Be it Enacted, by the Authority aforesaid*, That all and every Person and Persons, who shall pay Tobacco in Hogheads agreeable to the said Act; shall be allowed Three Shillings Proclamation Money, for each Hoghead; in which shall be contained Nine Hundred Pounds of Nett Tobacco.

Allowance for Tobacco Hogheads,

C H A P. II.

An Act, for the Relief of poor Debtors, as to the Imprisonment of their Persons.

I. **B** *BE it Enacted, by his Excellency the Governor, Council, and General Assembly of this Province*, That if any Handicraft Tradesman, or any other Person whatsoever, shall be in Prison within this Province, on mesne Processes, or Execution; for any Debt above Forty Shillings Proclamation Money, and hath no visible Estate, Real or Personal, and shall make Oath, before the Court of the County where he is in Prison, or in the Vacation, before some Two Justices of the Peace for that County, being both present together, the Creditor or Creditors at whose Suit he is confined being first personally summoned to appear at the same Time; That he hath not the Worth of Forty Shillings *Sterling* Money, in any worldly Substance; either in Debts owing to him, or otherwise howsoever, over and besides his wearing Apparel, working Tools, and Arms for Muster; and that he has not, at any Time since his Imprisonment, or before, directly, or indirectly, sold, assignd, or otherwise disposed of, or made over, in Trust for himself, or otherwise, any Part of his Real or Personal Estate, whereby to have or expect any Benefit or Profit to himself, or to defraud any of his Creditors to whom he is indebted; and if there be no Person present that can prove the contrary, then such Person, by such Court or Justices, without Form of Trial, shall immediately be set at Liberty, and shall stand for ever discharged of all such Debts so sued for, and all Costs of Suit: But in Case such Person shall afterwards be discovered to have sworn falsely, he shall be indicted for Perjury; and if convicted, shall lose both his Ears in the Pillory, and be liable to satisfy the Debt and Damages.

Prisoners for Debt proving themselves not worth 40s. to be set at Liberty.

II. *AND be it further Enacted*, That the Justices of the Peace, when the Proceedings are before them out of Court, shall put the same in Writing, under their

Justices to put the Proceedings out of Court

A. D. 1749.

Writing, and
make Return to
Court, on Pen.
of 5 l.

their Hands, and return the same into the Court from whence the Execution issued, there to be kept on Record, under the Penalty of Five Pounds Proclamation Money, for each Justice, for such his Omission or Neglect; to be paid to the Person injured, by Order of the said Court.

Persons in Exe-
cution, may de-
liver up their Ef-
fects, by Petiti-
on to Court.

III. *AND be it further Enacted*, That if any Person, charged in Execution for any Sum in any Prison, within this Province, shall be minded to deliver up all his Effects to his or her Creditors, it shall be lawful for such Prisoner to prefer a Petition to the Court from whence the Process issued, setting forth the Cause of Imprisonment; and an exact Account of his or her Estate, and all Circumstances relating thereto; and on such Petition, the Court shall order the Prisoner to be brought, and the Creditors, at whose Suit he is charged, to be summoned; and on the Day of Appearance if any of the Creditors neglect to appear, on Proof made of the due Service of the Court's Order, the Court shall proceed to examine the Matter of the Petition in a summary Way, and shall tender to such Person an Oath, to the Effect following:

Oath to be taken
by the Debtor.

I A. B. do solemnly swear, in the Presence of Almighty God, That the Account by me delivered, with my Petition, into this Court, doth contain a full and true Account of all my Real and Personal Estate, Debts, Credits, and Effects whatsoever, which I, or any in Trust for me, have, or at the Time of my said Petition had, or now can, or then was, in any Respect, intituled to, either in Possession, Remainder, or Reversion, (except my wearing Apparel for myself and Family, and the Tools or Instruments for my Trade, and Arms for Muster;) and that I have not, at any Time since my Imprisonment, or before, directly or indirectly, sold, aliened, assigned, or otherwise disposed of, or made over, in Trust for myself, or otherwise, other than is mentioned in such Account, any Part of my Lands, Estate, Goods, Stock, Money, Debts, or other Real or Personal Estate, whereby to have or expect any Benefit or Profit to myself, or to defraud any of my Creditors to whom I am indebted. So help me God.

Proceedings to be
had, after such
Surrender, and
Oath taken.

IV. *AND be it further Enacted*, That if such Person take such Oath, and the Creditor be satisfied with the Truth thereof, the Court may order the Effects contained in such Account, or so much as may be sufficient to satisfy the Debts and Fees due to the Goaler, to be, by an Indorment on the Back of the Petition, signed by the Prisoner, assigned to the Creditor or Creditors, or to one or more of them, in Trust for the rest; and by such Assignment, the Estate and Property of the Lands, Goods, Debts, and Effects, shall be vested in such Creditor or Creditors, in Trust, as aforesaid, and the Prisoner shall be discharged out of Custody, by Order of the Court, without Fee, and the Person or Persons to whom the Effects shall be assign'd, paying the Fees to the Goaler, shall divide the Effects, in Proportion to their Debts: But if the Person or Persons at whose Suit the Prisoner is in Execution, shall desire Time to inform him, her, or themselves, the Court shall remand the Prisoner, and direct him, and the Person or Persons dissatisfied, to appear, at a Day, in the next succeeding Court; and if at such Day the Creditor or Creditors make Default, or if he, she, or they, be unable to make Discovery of any Effects of the Prisoner omitted in his Petition, or to shew any Probability of his having being forsworn, the Court shall cause the Prisoner to be discharged, unless such Creditor or Creditors, on his being detained, agree, by Writing, to pay the Prisoner Ten Shillings Proclamation Money, by the Week, to be paid Weekly, so long as he or she shall continue in Prison at his, her, or their Suit; and on Failure of Payment, the Prisoner shall, on Application made to the Court, be discharged by Order: And in Case the Prisoner shall refuse to take the Oath, or shall be detected of Falsity therein, he shall be remanded.

V. *AND*

A. D. 1749..

V. *AND be it further Enacted*, That the Person of every Debtor so discharged, shall, never after, be arrested for the same Debt; but the Judgment shall remain in Force; and Execution may be taken out against his Lands or Goods, (his wearing Apparel for himself and Family, Tools for his Trade, and Arms for Muster, excepted.).

Debtor free from
other Arrest for
such Debt.

VI. *AND be it further Enacted*, That if any Person who shall take such Oath, shall, upon Indictment of Perjury, be convicted thereon, he shall suffer all Pains of wilful Perjury, and shall be liable to be taken on a new Process; and shall, never after, have the Benefit of this Act.

Debtor committing
Perjury, not
to have the Be-
nefit of this Act.

VII. *AND be it further Enacted*, That if the Effects assigned shall not extend to satisfy the whole Debts due to the Person or Persons at whose Suit such Prisoner was charged, and the Fees, there shall be an Abatement in Proportion; and the Goaler shall come in, as a Creditor, for his Fees.

Effects not suffi-
cient, Creditors
to abate in Pro-
portion.

VIII. *AND be it further Enacted*, That no Person, charged in Execution, shall be allowed to petition by Virtue of this Act, unless such Prisoner do exhibit his Petition to the Court from whence the Execution issued, within Six Months after such Person shall be so charged in Execution.

Petition to be
exhibited within
6 Months.

IX. *AND be it further Enacted*, That where by this Act an Oath is required, the solemn Affirmation of a *Quaker* shall be taken, in Lieu thereof; and every Person convicted of wilful and false affirming, shall suffer the like Penalties as for wilful and corrupt Perjury.

Quaker's Affir-
mation allowed.

C H A P. III.

An Act, for the Encouragement of James Davis, to set up, and carry on, his Business of a Printer, in this Province; and for other Purposes therein mentioned.

I. **W**E pray it may be Enacted, *And be it Enacted*, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That the said James Davis shall be allowed and paid by the Public, the Yearly Salary of One Hundred and Sixty Pounds Proclamation Money, for the Work and Services hereafter mentioned, to be done and performed by him for the Public; and that the said Salary shall begin and commence from such Time as the said James Davis shall have set up his Press at Newbern, in this Province, and be ready to proceed on his Business of Printing; and shall continue for the Space of Five Years, provided the said James Davis shall so long live, and perform the said Services.

Printer's Salary

II. *AND be it further Enacted*, That the said James Davis, in Consideration of the said Salary, shall, and he is hereby required and directed, to reside in Newbern aforesaid, and to print, with the same Type or Letter with which his Petition, now laid before this House, is printed on, at every Sessions of Assembly in this Province, the Speeches and Addresses at the Opening of each Session; also the Journals and Proceedings of the House of Burgesses; and deliver Copies thereof to each Member who shall attend at such Session; and shall also, as soon as the same can or may be done, print all such Laws as shall be passed at each

Services to be
done for it.

A. D. 1749.

Sessions, and shall transmit one Copy of them to his Excellency the Governor, and one to each Member of his Majesty's Honourable Council, and also one Copy to each Member of the General Assembly in the several Counties in this Province; one Copy to each of the Clerks of the Houses of Assembly, for the Use of the said Assembly; one Copy to the Clerk of the General Court, for the Use of the said Court; one Copy to the Clerk of each respective County Court in this Province, for the Use of such Court; and also one Copy to each and every Justice of the several Counties within this Province, not exceeding Twelve Copies to be sent to the said Justices of any one County; and supply such Copies of the said Journals and Laws as shall or may be necessary, to be transmitted from this Province to the Board or Offices in *England*, as usual; and also, shall print, and transmit to the proper Places, the Public Proclamations, and all other Acts of Government.

Clerks to deliver
Copies to the
Printer, on Pen,
of 25 l.

III. *AND be it further Enacted, by the Authority aforesaid,* That the Clerks of the Council, and of the General Assembly, for the Time being, the Secretary of the Province for the Time being, and all other Officers within this Province, shall, and they are hereby required, to deliver to the said *James Davis*, examined and attested Copies of all such Speeches, Journals, Laws, Proclamations; and all Acts of Government, in their respective Offices, which are herein before directed to be printed, at such Time or Times as the same shall be demanded of them by the said *James Davis*; and that if any of the said Officers shall neglect or refuse so to do, he shall forfeit and pay the Sum of Twenty Five Pounds Proclamation Money, to him or them who will sue for the same: Which shall and may be recovered in any Court of Record in this Province, by Action of Debt, Bill, Plaint, or Information; wherein no Protection, Injunction, or Wager of Law, shall be allowed or admitted of.

Officers Allow-
ance for Copies.

IV. *AND be it further Enacted,* That the several Officers shall be paid by the Public, for all such Copies as they are hereby required to make out and deliver to the said *James Davis*, the same Fees and Allowances as by Law or Usage they have a Right to for such Services.

Tax laid to pay
the Salary, &c.

V. *AND for the Payment of the Salary herein before mentioned to the said James Davis, and the Fees and Allowances to the several Officers, for such Copies as they are by this Act required to make out, and deliver to the said James Davis; Be it Enacted, by the Authority aforesaid,* That a Tax of Four Pence, Proclamation Money, be, and is hereby laid, for the Space and Term of Five Years, and no longer, on each and every taxable Person within this Province, and paid as the County and Parish Taxes are paid; and shall commence immediately after the Ratification of this Act: And shall be collected and accounted for, by the several Sheriffs of the respective Counties within the same, in the same Manner, and under the same Penalties, as by the Laws now in Force they are to collect and account for the Public Tax.

Surplus appropri-
ated.

VI. *AND be it further Enacted,* That if any Surplus of the Monies arising by Virtue of this Act shall remain, after Payment of the said Salary to the said *James Davis*, and the Fees and Allowances to the several Officers, for the Copies that shall by them be delivered to the said *James Davis*, by Virtue of this Act, the same shall be applied, by the General Assembly, for and towards discharging the Public Debts of this Province.

Penalty on Per-
sons printing or
selling the Laws
&c. of this Pro-
vince.

VII. *AND be it further Enacted, by the Authority aforesaid,* That if any Person or Persons shall print, sell, or offer to Sale in this Province, within the Term of Five Years aforesaid, any of the Journals or Laws aforesaid, other than such as shall be printed by the said *James Davis*, without the Licence of the said *James Davis*; such Person or Persons shall forfeit and pay, to the said *James Davis*, the Sum of Five Pounds, Proclamation Money, for each and every
Journal

Journal or Law of any Sessions so printed, sold, or offered to Sale, contrary to the true Intent and Meaning of this Act; to be recovered in the same Manner as the Penalty first above mentioned in this Act. A. D. 1749.

VIII. *AND be it further Enacted*, That all the said Laws that shall be printed by the said *James Davis*, by Virtue of this Act, shall be allowed to be given in Evidence in all or any of the Courts of Judicature in this Province, and before any Magistrate or Magistrates, in any Matter or Controversy depending before them. Printed Laws to be given in Evidence.

C H A P. IV.

An Act, directing the Method for cutting or docking Intails of small Estates.

I. **W**HEREAS divers Persons are seized of small and inconsiderable Pieces of Land, in Tail, often ignorantly, without Design, devised, in Tail, by their Ancestors; and the Method of defeating such Estates in Fee-Tail, General or Special, within this Province, by Act of General Assembly, in such particular Case to be made and provided, is found too expensive for poor People, seized of such Land, to go through with; and therefore, the Docking Intails by some easier Method will be a great Relief to such poor People and their Families, whereby they would be enabled to purchase other more improveable Lands and Slaves: Preamble,

II. WHEREFORE we humbly pray your most Sacred Majesty that it may be Enacted, *And be it Enacted, by his Excellency the Governor, Council, and General Assembly of this Province*, That it shall and may be lawful for any Person or Persons, seized, in Fee-Tail, General or Special, of, or in, any Lands or Tenements within this Province, not exceeding the Value of Fifty Pounds Sterling Money, and not being Parcel of, or contiguous to, other intailed Lands of the same Parties, to sue out a Writ, from the Secretary's Office, in the Nature of an *Ad quod Damnum*, directed to the Sheriff of the County where such intailed Lands lie, commanding him to enquire, by good and lawful Men of his County, of the Value of such Lands, and whether they be Parcel of, or contiguous to, other intailed Lands of the same Party, as aforesaid; and such Sheriff shall return his Inquisition to the said Office: And if the said Lands shall be found not to exceed the Value aforesaid, and to be a separate Parcel, as aforesaid, then a Deed of Bargain and Sale, reciting the Title and such Inquisition, (wherein a valuable Consideration shall be expressed, and, *bona fide*, paid) acknowledged by the Party, or proved by Two Witnesses, before the Chief Justice, or any of the associate Judges, or in the Court of the County where such Lands may lie, within Six Months after the Date thereof, and registred, within Twelve Months, in the County where such Lands lie, shall be sufficient in Law to pass the Fee-Simple Estate of such Lands to the Purchaser or Purchasers thereof; and the Right of the Issue of the Vender, and all other Persons in Remainder or Reversion, shall be barred, in the same Manner as the same Estate might be barred by Fine and Recovery, according to the Laws of England. Method of docking Intails.

SIGNED by

GABRIEL JOHNSTON, Esq; Governor.

Nathaniel Rice, President.

SAMUEL SWANN, Speaker.

Journal of Law and Commerce, Vol. 1, No. 1, 1914, p. 120.

THE JOURNAL OF LAW AND COMMERCE, Vol. 1, No. 1, 1914, p. 120.

THE JOURNAL OF LAW AND COMMERCE, Vol. 1, No. 1, 1914, p. 120.

THE JOURNAL OF LAW AND COMMERCE, Vol. 1, No. 1, 1914, p. 120.

THE JOURNAL OF LAW AND COMMERCE, Vol. 1, No. 1, 1914, p. 120.

THE JOURNAL OF LAW AND COMMERCE, Vol. 1, No. 1, 1914, p. 120.

A. D. 1749.

MAGNA CHARTA.

- 9 Henry III. Chap. 1 An Act, for Confirmation of Liberties.
 8 How Sureties shall be charged to the King.
 14 How Men of all Sorts shall be amerced, and by whom.
 18 The King's Debtor dying, the King shall be first paid.
 28 Wager of Law shall not be, without Witnesses.
 29 None shall be condemned without Tryal: Justice shall not be sold or deferred.
 34 In what only Case a Woman shall have an Appeal of Death.

MERTON.

- 20 Henry III. Chap. 1 A Woman shall recover Damages in a Writ of Dower.
 2 Widows may bequeath the Crofs of their Lands.
 9 He is a Bastard that is born before the Marriage of his Parents.

MARLBURIDGE.

- 52 Hen. III. Chap. 4 A Distress shall not be drawn out of the County, and it shall be reasonable.
 5 What Kind of Manslaughter shall be adjudged Murder.
 17 The Authority and Duty of Guardians in Socage.
 23 A Remedy against Accomptants. Farmers shall make no Waste.

WESTMINSTER, the First.

- 3 Edward I. Chap. 3 No Penalty for an Escape, before it be adjudged.
 4 What shall be adjudged Wreck of the Sea, and what not.
 6 Amerciaments shall be reasonable, and according to the Offence.
 12 The Punishment of Felons refusing lawful Tryals.
 14 Appeal against the Principal, and Accessory.
 23 None shall be distrained for a Debt he oweth not.
 25 None shall commit Champerty, to have Part of the Thing in Question.
 29 Penalty on a Serjeant or Pleader, committing Deceit.

GLOUCESTER.

- 6 Edward I. Chap. 9 One Person killing another in his Own Defence, or by Misfortune, an Appeal of Murder.

WESTMINSTER, the Second.

- 13 Ed. I. Chap. 1 In Gifts in Tail, the Donor's Will shall be observed. The Form of a Formedon.
 11 The Masters Remedy against their Servants, and other Accomptants.
 12 The Appellant being acquitted, the Appellor and Abettors shall be punished: There shall be no Effoign for the Appellor.
 19 The Ordinary chargeable, to pay Debts, as Executors.
 34 It is Felony to commit a Rape; a married Woman with an Advouterer.

37 No Distress shall be taken, but by Bailiffs, known and sworn. A. D. 1749.

40 A Woman's Suit shall not be deferred by the Minority of the Heir.

ARTICULI SUPER CHARTAS.

28 Ed. I. Chap. 10 The Remedy against Conspirators, false Informers, and Embracers of Juries.

11 Nothing shall be taken to maintain any Matter in Suit.

12 What Distress shall be taken for the King's Debt, and how it shall be used.

16 What shall be done with them that make false Return of Writs.

S T A T U T E the Second.

33 Ed. I. Who be Conspirators, and who be Champartors.

S T A T U T E the Third.

The Punishment of such as commit Champarty.

S T A T U T E the Fourth.

34 Ed. I. Chap. 1 The King, or his Heirs, shall have no Tallage or Aid, without Consent of Parliament.

4 All Laws, Liberties, and Customs, confirmed.

S T A T U T E the Second.

1 Ed. II. In what Case it is Felony to break Prison, and what not.

1 Ed. III. Chap. 7 Inquiry shall be made of Goalers, which by Durefs, compel Prisoners to appeal.

6 Justices shall have Authority to punish Breakers of the Peace.

8 No Commands under the King's Seal shall disturb or delay Justice.

4 Ed. III. Chap. 2 The Authority of Justices of Assize, Goal Delivery, and of the Peace.

7 Executors shall have Action of Trespass for a Wrong done to their Testator.

9 Sheriffs, Bailiffs of Hundreds, and Escheator, shall have sufficient in the County.

10 Sheriffs and Goalers shall receive Offenders without any Thing taken.

11 Justices of Assize, &c. shall enquire of Maintainers, Conspirators, and Champartors.

5 Ed. III. Chap. 9 None shall be attached, or forejudged, contrary to the Great Charter, or the Law.

10 The Punishment of a Juror that is ambidexter, and taketh Money.

11 Process against those that be appealed, indicted, or outlawed, in one County, and remain in another.

14 Night Walkers, and suspected Persons, shall be safely kept.

10 ——— Chap. 2 Pardons shall not be granted contrary to the Statute of 2 Ed. 3, Chap. 2.

20 ——— Chap. 4 None shall maintain any Quarrels but their own.

6 Justices

A. D. 1749.

6 Justices of Assize shall enquire of, and punish the Misdemeanors of Officers, and other Offenders.

S T A T U T E the Fifth.

- 25 *Ed. III.* Chap. 2 A Declaration which Offences shall be adjudged Treason.
 3 No Indictor shall be put upon the Inquest of the Party indicted.
 4 None shall be condemned upon Suggestion, without lawful Presentment.
 5 Executors of Executors shall have the Benefit and Charge of the first Testator.
 17 Process of Exigent shall be awarded in Debt, Detinue, and Repleven.
 19 By the King's Protection the Party's Suit shall not be hindered, but his Execution.
 34 ——— Chap. 8 The Penalty of a Juror, taking Reward to give his Verdict.
 12 There shall be no Forfeiture of Lands for Treason of dead Persons, not attainted.
 37 ——— Chap. 2 An *Indemptitate Nominis* shall be granted, upon the wrongful Seizure of another Person's Lands or Goods.
 38 ——— Chap. 8 A Ship shall not be lost for a small Thing therein not Customed.
 12 The Punishment of a Juror taking a Reward to give his Verdict; and of Embracers.
 42 ——— Chap. 3 None shall be put to answer an Accusation made to the King, without Presentment.
 10 Children born beyond Sea in the King's Dominions, shall be inheritable in *England*.
 50 ——— Chap. 6 Fraudulent Assurances of Lands or Goods to deceive Creditors, shall be void.

S T A T U T E the Fifth.

- 1 *Richard II.* Ch. 12 A Prisoner by Judgment shall not be at large: Confession of a Debt to the King, to delay another Execution.
 8 ——— Chap. 4 The Penalty of a Judge or Clerk, making any false Entry, erase a Roll, or change a Verdict.
 13 ——— Chap. 5 With what Things the Admiral, and his Deputy, shall meddle.
 15 ——— Chap. 2 The Duty of Justices of the Peace, when any forcible Entry is made into Lands.
 3 In What Places the Admiral's Jurisdiction doth lie.
 2 *Henry IV.* Chap. 11 A Remedy for him who is wrongfully pursued in the Court of Admiralty.
 4 ——— Chap. 18 The Punishment of an Attorney found in Default.
 23 Judgments given shall continue, until they be reversed by Attaint or Error.
 5 ——— Chap. 5 It shall be Felony to cut out the Tongue, or pull out the Eyes, of the King's Liege People.
 8 *Henry VI* Chap. 9 Duty of Justices of Peace, where Land is entered upon, or detained, with Force.
 12 No Judgment or Records shall be reversed by any Writ, Process, &c. erased: Which Defect in Records may be amended by the Judges, and which not.

- 15 The Justices may, in certain Cases, amend Defaults in Records. A. D. 1749.
- 9 ——— Chap. 4 An *Indemptitate Nominis* maintainable by Executors.
- 14 ——— Chap. 1 Justices of *Nisi Prius* may have Judgment of a Man attainted or acquitted of Felony.
- 18 ——— Chap. 6 No Lands shall be granted until the King's Title be found, by Inquisition.
- 12 Appeals or Indictments of Felony, committed in a Place where there is none such.
- 31 ——— Chap. 9 A Remedy for a Woman enforced to be bound by the Statute or Obligation.
- 33 ——— Chap. 1 A Remedy for Executors against Servants, that embezzle their Masters Goods after his Death.
- 1 *Rich. III.* Chap. 3 Every Justice of Peace may let a Prisoner to Mainprize: No Officer shall seize the Goods of a Prisoner until he be attainted.
- 3 *Hen. VII.* Chap. 2 The Penalty of carrying a Woman away, against her Will, that hath Lands or Goods.
- 3 Justices of Peace may let Prisoners to Bail: The Sheriff shall certify the Names of all his Prisoners at the Goal Delivery.
- 4 All Deeds of Gifts made to defraud Creditors, shall be void.
- 10 Costs, &c. awarded to the Plaintiff, where the Defendant sueth a Writ of Error.
- 4 ——— Chap. 12 All Justices of the Peace shall execute their Commission, redress Injuries, and maintain Law.
- 13 Clergy shall be allowed but once: A Convict Person shall be marked with the Letter M or T: A Provision for them which be within Orders.
- 11 ——— Chap. 12 A Means to help and speed poor Persons in their Suits.
- 12 ——— Chap. 7 For Murders.
- 19 ——— Chap. 9 Process in Actions upon the Case sued in the King's Bench, and Common Pleas.
- 20 Writs of Error.
- 1 *Henry VIII.* Ch. 8 The Act of Escheators and Commissioners.
- 4 ——— Chap. 2 Punishment of Murders.
- 21 ——— Chap. 4 The Sales of Lands by Part of the Executors, lawful.
- 11 At what Times Restitution shall be made of Goods stolen.
- 22 ——— Chap. 14 For Abjurations and Sanctuaries, the Sixth Paragraph only, in these Words following: *And that no Person, arraigned for Petit Treason, Murder, or Felony, be, from henceforth, admitted to any peremptory Challenge above the Number of Twenty.*
- 23 ——— Chap. 1 An Act, concerning Convicts in Petit Treason, Murder, &c.
- 3 An Act, against Perjury, and untrue Verdicts.
- 15 An Act, that the Plaintiff being non-suited, shall yield Damages to the Defendant, in Actions Personal, by the Discretion of the Justices.
- 24 ——— Chap. 5 That a Man killing a Thief in his Defence, shall not forfeit his Goods.
- 25 ——— Chap. 3 For such as shall stand mute, &c.
- 6 The Punishment of the Vice of Buggery.
- 27 ——— Chap. 4 For Pirates, and Robbers on the Sea.

A. D. 1749.

	10	The Act concerning Uses, and Wills.
28 ——— Chap.	15	For Pirates.
31 ——— Chap.	1	For Joint Tenants, and Tenants in Common.
	5	For the Continuation of Debts upon Execution.
32 ——— Chap.	9	The Bill of Bracery, and buying of Titles.
	1	The Act of Wills; Primer Seifins, whereby a Man may devise Two Parts of his Lands.
	30	Mispleadings; Jeofails.
	32	Joint Tenants for Time of Life, or Years.
	33	An Act, that wrongful Disseisin is no Descent in Law.
	37	For Recovery of Arrearages of Rents by Executors of Tenants, in Fee Simple.
33 ——— Chap.	1	A Bill against them that counterfeit Letters, or privy Tokens, to receive Money or Goods in other Mens Names.
34 & 35 ——— Chap.	8	The Bill concerning the Explanation of Wills.
37 ——— Chap.	6	The Bill for burning of Frames.
1 Ed. VI. Chap.	12	An Act, for the Repeal of certain Statutes concerning Treason and Felonies, &c. Paragraph the 13th; Wilful killing by poisoning, shall be adjudged Murder.
2 & 3 ——— Chap.	33	A Bill for Horse, and Horse-stealers.
5 & 6 ——— Chap.	9	An Act, for taking away Benefit of Clergy, for certain Offenders.
	10	An Act, for the avoiding of Clergy from divers Persons.
1 Mary, Chap.	6	Counterfeiting of strange Coins, &c. adjudged Treason.
1 & 2 Philip and Mary, Chap.	11	Bringers in of counterfeit Coin into this Realm, shall be punished as Traitors.
	13	An Act, touching Bailment of Persons.
2 & 3 ——— Chap.	10	An Act, to take Examination of Prisoners suspected of any Manslaughter, or Felony.
4 & 5 ——— Chap.	4	An Act, that Accessories in Murder, and divers Felonies, shall not have Benefit of Clergy.
	8	An Act, for the Punishment of such as shall take away young Women that be Inheritors, being within the Age of Sixteen Years, or marry them without Consent of their Parents.
5 Elizabeth, Chap.	9	An Act, for Punishment of such Persons as shall procure or commit any wilful Perjury.
	11	Clipping, &c. of Coins, for Gain Sake, shall be high Treason.
	14	An Act, against Forgers of false Deeds and Writings.
	17	An Act, for the Punishment of the Vice of Buggery.
8 ——— Chap.	2	The Defendant shall recover Costs and Damages, where the Plaintiff doth delay or discontinue his Suit, or is Non-suit, &c.
	4	An Act, to take away Benefit of Clergy from certain Offenders for Felony.
13 ——— Chap.	5	An Act, against fraudulent Deeds, Alienations, &c.
18 ——— Chap.	7	An Act, to take away Benefit of Clergy from the Offenders in Rape, and Burglary; and an Order for the Delivery of Clerks convict, without Purgation.
	14	An Act, for Reformation of Jeofails.
27 ——— Chap.	4	An Act, against covinous and fraudulent Conveyances.
	5	An Act, for Furtherance of Justice, in Case of Demurrer in Pleadings.

- 13 An Act, for the following of Hue and Cry. A. D. 1749.
- 31 ——— Chap. 11 An Act, of Explanation or Declaration of the Statute *Octavo Regis, Henry, 6*, concerning forcible Entries, and the Indictments thereupon found.
- 39 ——— Chap. 9 An Act, for taking away Clergy from Offenders against a certain Statute, made in the Third Year of the Reign of *Henry 7*, concerning the taking away Women against their Wills, unlawfully.
- 15 An Act, that no Person, robbing any House in the Day Time, altho' no Person be therein, shall be admitted to have the Benefit of his Clergy.
- 43 ——— Chap. 5 An Act, to prevent Perjury, and Subornation of Perjury, and unordinary Expences in Suits of Law.
- 8 An Act, against fraudulent Administration of Intestates Goods.
- 1 James I. Chap. 8 An Act, to take away the Benefit of Clergy from some Kind of Manlaughter.
- 11 An Act, to restrain all Persons from Marriage, until their former Wives, and former Husbands, be dead.
- 4 ——— Chap. 3 An Act, to give Cost to the Defendant, upon a Non-suit of the Plaintiff, or a Verdict against him.
- 21 ——— Chap. 6 An Act, concerning Women convicted of small Felonies.
- 13 An Act, for the further Reformation of Jeofails.
- 15 An Act, to enable Judges and Justices of the Peace, to give Restitution of Possession in certain Cases.
- 24 An Act, for the Relief of Creditors, against such Persons as die in Execution.
- 27 An Act, to prevent the destroying and murdering Bastard Children.
- 3 Charles I. The Petition exhibited to his Majesty, by the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, concerning divers Rights and Liberties of Subjects.

S T A T U T E the Second

- 13 Charles II. Chap. 6 An Act, declaring the sole Right of the Militia to be in the King, and for the present ordering and disposing of the same.
- 16 ——— Chap. 6 An Act, to prevent the delivering up of Merchant Ships.
- 7 An Act, against deceitful, disorderly, and excessive Gaming.
- 16 & 17 — Chap. 8 An Act, to prevent Arrests of Judgments, and superceeding Executions.
- 17 ——— Chap. 7 An Act, for a more speedy and effectual Proceeding upon Distresses and Avowries for Rents.
- 8 An Act, for avoiding unnecessary Suits and Delays.
- 22 & 23 Charles II. } An Act, to prevent malicious maiming and wounding :
Chapter 1 } Paragraph the 7th, Malicious maiming made Felony, and Paragraph the 8th, Forfeitures.
- 7 An Act, to prevent malicious burning of Houses, Stacks of Corn and Hay, and killing or maiming of Cattle.
- 10 An Act, for the better settling of Intestates Estates.
- 29 ——— Chap. 3 An Act, for preventing Frauds and Perjuries.

30 ——— Chap.

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- 30 ——— Chap. 7 An Act, to enable Creditors to recover their Debts of the Executors and Administrators of Executors, in their own Wrong.
- 31 ——— Chap. 2 An Act, for the better securing the Liberty of the Subject, and for Prevention of Imprisonment beyond the Seas.
- 1 James II. Chap. 17 An Act, for reviving and Continuance of several Acts of Parliament therein mentioned; only Paragraph the 5th, 6, and 7, relating to the Act for the better settling Intestates Estates.
- 1 Wil. & Mary, Ch. 8 An Act, for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths.
18. An Act, for exempting their Majesties Protestant Subjects, dissenting from the Church of *England*, from the Penalties of certain Laws.
- Session 2, Chap. 2 An Act, declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown.
- 2 ——— Chap. 5 An Act, for enabling the Sale of Goods distrained for Rent, in Case the Rent be not paid in a reasonable Time.
- 3 & 4 ——— Chap. 9 An Act, to take away Clergy from some Offenders, and to bring others to Punishment.
- 14 An Act, for Relief of Creditors, against fraudulent Devices.
- 4 & 5 ——— Chap. 16 An Act, to prevent Frauds, by clandestine Mortgages.
- 7 Wil. III. Chap. 3 An Act, for regulating Tryals in Cases of Treason, and Misprison of Treason.
- 7 & 8 ——— Chap. 24 An Act, requiring the Practitioners of the Law to take the Oaths, and subscribe the Declaration therein mentioned.
- 8 & 9 ——— Chap. 10 An Act, for the better preventing frivolous and vexatious Suits.
- 9 & 10 ——— Ch. 15 An Act, for determining Differences by Arbitration.
- 17 An Act, for the better Payment of Inland Bills of Exchange.
- 10 & 11 ——— Ch. 16 An Act, to enable posthumus Children to take Estates, as if born in their Fathers Life-time.
- 11 & 12 ——— Ch. 6 An Act, to enable his Majesty's natural-born Subjects to inherit the Estate of their Ancestors, either Lenial or Collaterel, notwithstanding their Father or Mother are Aliens.
- 12 & 13 Wil. III. } An Act, for the further Limitation of the Crown, and
Chap. 2 } better securing the Rights and Liberties of the Subjects.
- 1 Anne, Chap. 22 An Act, to declare the Alterations in the Oath appointed to be taken, by the Act, intituled, *An Act, for the further Security of his Majesty's Person, and the Succession of the Crown in the Protestant Line; and for extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors; and for declaring the Association to be determined.*
- 9 An Act, for Punishment of Accessories to Felonies, and Receivers of stolen Goods; and to prevent the wilful burning and destroying of Ships.

- 3 & 4 — Chap. 9 An Act, for giving like Remedy upon Promissory Notes as is now used upon Bills of Exchange; and for the better Payment of Inland Bills of Exchange. A. D. 1749.
- 4 & 5 — Chap. 16 An Act, for the Amendment of the Law, and the better Advancement of Justice.
- 6 — Chap. 18 An Act, concerning Life Estates.
- 7 — Chap. 19 An Act, to enable Infants who are seized or possessed of Estates in Fee, in Trust, or by Way of Mortgage, to make Conveyances of such Estates.
- 8 — Chap. 17 An Act, for the better Security of Rents, and to prevent Frauds committed by Tenants.
- 9 — Chap. 14 An Act, against unlawful Gaming; Section 1, 2, 3, 6, and 7, only.
- 12 Stat. 1 Chap. 7 First, Second, and Third Sections only.
- 12 Stat. 1 Chap. 18 An Act, for the preserving all Ships and Goods thereof, which shall happen to be forced on Shore, or stranded, upon the Coasts of this Kingdom, or any other of her Majesty's Dominions.
- 2 Geo. II. Chap. 22 Section the 11th only, concerning Debts.
- 4 — Chap. 23 An Act, concerning Rents.
- 5 — Chap. 7 An Act, for the more easy Recovery of Debts in his Majesty's Plantations and Colonies in *America*.
- 25 An Act, to direct the Proceedings in Chancery against Persons beyond Sea.
- 7 — Chap. 20 Section 1, 2, and 3 only, concerning Mortgages.
- 8 — Chap. 24 Section the 5th, concerning Debts.
- 11 — Chap. 19 Twelfth and 13th Sections only, concerning Ejectment.

III. *AND be it further Enacted, by the Authority aforesaid,* That in any of the above enumerated Statutes, where any Reference is made to any former Statute, as to the Penalty, or Manner of Recovery, or Execution of the said Statutes, or where the said Statutes are explained, or continued, or made perpetual, or confirmed, or Clergy allowed by any after Statute; that in such Case, the said Statute so referred to, or that doth explain, continue, make perpetual, or confirm the above enumerated Statutes, or allow Clergy for the Offence or Offences in any of them mentioned, are hereby declared to be of as full Force in this Province, as if particularly enumerated in this Act.

Former Statutes referred to, enforced here.

IV. *AND be it further Enacted, by the Authority aforesaid,* That all the Statutes of the Kingdom of *England*, relating to the Allegiance of the People to his present Majesty King *George*, and his lawful Successors, and the several Public Oaths, and subscribing the Test, required of the People of *England* in General, by any of the said Statutes of the said Kingdom; and also all such Statutes in the Kingdom of *England* as declare the Rights and Liberties of the Subject, and Enact the better securing the same; as to so much of the said Statutes as relates to the above mentioned Particulars of the Allegiance of the People to their Sovereign, the Public Oaths, and subscribing the Test, required of them, and the declaring and securing the Rights and Liberties of the Subjects, are hereby Enacted and Declared to extend to, and to be of full Force in this Province, as if particularly enumerated in this Act.

Statutes for the Allegiance of the People, Public Oaths, &c. enforced here.

V. *AND for the better putting in Force, and Execution of, all and every the before enumerated Statutes, Sections, and Paragraphs of Statutes; Be it Enacted, by the Authority aforesaid, and it is hereby Enacted and Declared,* That the General Assembly of this Province, and the several Members thereof, shall have the same Power and Authority in any Matter or Thing relating to the said

Executive Power given to the Officers.

A. D. 1749.

Statutes, or that is given by the same to the Parliament of *England*, or the Members thereof; and his Excellency the Governor, and the Council of this Province, for the Time being, shall have all the Power and Authority relating to the Execution of the said enumerated Statutes, as by the same, or by any other the Laws of *England*, are given to the Lord Chancellor, or the Lord Keeper of the Great Seal of *England*: That the Chief Justice of this Province, and his Associates, for the Time being, shall have all the Power and Authority in the Execution of any the said enumerated Statutes, as the Chief Justice, or any of the Justices or Judges of the Courts of the King's Bench, or Common Pleas, or any Justices of the Sessions of Commissioners of *Oyer and Terminer* and Goal Delivery, in the Kingdom of *England*, can or may have or do: And that the Justices of the Peace in this Province, shall have the Powers of the Justices of the Peace in the Kingdom of *England*; and every Officer, Minister, or Under-Officer of this Province, shall have and execute the same Power and Authority of every Justice, Officer, Minister, or Under-Officer of the same Name, Stile, Title, and usual Office, Employment, and Authority in the Kingdom of *England*, in and about the Execution of the Premises, to all Intents, Constructions, and Purposes whatsoever, except such Officer or Officers, the Manner and Method of whose Duty and Office, is circumscribed and directed by the Laws of this Province.

Common Law of
England enforced
here, with the
Power given to
execute it.

VI. *AND be it further Enacted, by the Authority aforesaid, That all and every Part of the Common Law of England*, where the same is not altered by the above enumerated Acts, or inconsistent with the particular Constitutions, Customs, and Laws of this Province, excepting so much thereof as hath Relation to the ancient Tenures, which are taken away by Act of Parliament, made in the Twelfth Year of the Reign of King *Charles* the Second, Chapter the Twenty Fourth, intituled, *An Act, for taking away the Court of Wards and Liveries, and Tenures in Capite, and by Knights Service and Purveyance, &c.* whereby it is Enacted, That all Tenures by the Common Law, whether held of the King or any other Person or Persons, are turned into free and common Socage; and which Statute, as to that Part of it which doth Enact, That all Tenures be turned into free and common Socage; is hereby Enacted and Declared to be of as full Force in this Province, as if particularly enumerated by this Act; and also excepting that Part of the Common Law which relates to Matters Ecclesiastical, which are inconsistent with, or repugnant to, the Settlement of the Church of *England* in this Province, by the Acts of Assembly thereof; be, and is hereby made and declared to be in as full Force and Virtue within this Province, as the same is, or ought to be, within the said Kingdom of *England*: And that the Governor for the Time being, with his Council, constituting a Court of Chancery in this Province, shall have Power to put in Execution, and cause to be put in Execution in this Province, so much of the said Common Law, (except as before excepted) as the Lord Chancellor, or Lord Keeper of the Great Seal of *Great-Britain*, may do in the Kingdom of *England*: And the Chief Justice of this Province for the Time being, and his Associates, may put in Execution so much of the said Common Law of *England* within this Province, (except as before excepted) as any of the Justices or Judges of any of the Courts of King's Bench, and Common Pleas, or Commissioners of *Oyer and Terminer* and General Goal Delivery, may do in the said Kingdom of *England*: And every Officer, Minister, or Under-Officer of this Province, shall execute so much of the said Laws within this Province, (except as before excepted) as any Officer, Minister, or Under-Officer, of the same Name, Stile, Power, and Authority in the Kingdom of *England*, may or ought to execute within the same.

Penalty on Per-
sons neglecting
their Duty in the

VII. *AND be it further Enacted, by the Authority aforesaid, That every Person respectively whatsoever, who derives any Authority or Power, Judicial or Ministerial, from and by this Act, who shall, or doth neglect, refuse, or omit*

to do and execute all or any such Things which, by the Acts before enumerated, or made of Force in this Province by this Act, or required to be done and executed, shall undergo such Penalties, forfeit such Sum or Sums of Money, Loss of Place or Office, for each such Neglect, Refusal, or Omission, as every respective Magistrate, Officer, Minister, and other Person whatsoever within the Kingdom of *England*, ought to undergo, forfeit, and suffer, by every of the said several and respective Acts; to be prosecuted, recovered, and disposed, according to the Directions of the said several Acts, in any of the Courts of Record within this Province, except where the Punishment of any of the above Offences is particularly mentioned and appointed, by any Law now in Force in this Government.

A. D. 1749.

Execution of the said Laws.

VIII. *AND be it further Enacted, by the Authority aforesaid;* That the Governor, the Chief Justice of the Court of Common Pleas, for the Time being, and his Associates, and every other Officer, Minister, Under-Officer, and every other Person whatsoever, concerned in the Execution of any the above enumerated Acts, shall and may take such and so much Fees, for the doing and executing every Matter and Thing contained within the said Acts, as by the several Acts of Assembly of this Province, made for the ascertaining Officers Fees, they may or ought to take and receive; any Thing in any of the Statutes mentioned in this Act to the contrary, notwithstanding.

Officers Fees.

IX. *AND be it further Enacted, by the Authority aforesaid;* That every Court of Record within this Province, shall be taken for, and have and execute, the Power of the King's or Queen's Court, mentioned in any of the before recited Acts.

Power of Courts of Record.

X. *AND be it further Enacted;* That all Conveyances or Settlements of Lands or Tenements made in this Province, by Way of Bargain and Sale, or otherwise, shall be as good and effectual in Law, to all Intents and Purposes whatsoever, as if the Statute for transferring Uses into Possession, had been made of Force in this Province at the Time of such Conveyances made.

Conveyances of Lands, declared good.

XI. *AND be it further Enacted, by the Authority aforesaid;* That all the Statute Laws of the Kingdom of *England*, which are not enumerated and made of Force in this Province by this Act, (such only excepted which relate to, or concern his Majesty's Customs, and the Acts of Trade and Navigation,) are hereby declared not adapted; or applicable to, the Circumstances of this Province.

Statutes not in Force here.

XII. *PROVIDED nevertheless, and be it hereby Enacted and Declared,* That because few of the Statute Laws of the Kingdom of *England*, made since the Eleventh Year of the Reign of his present Majesty King *George* the Second, have been transmitted to this Province; *It is hereby Enacted,* That all Statute Laws made within the Kingdom of *England* since the said Eleventh Year of the Reign of his said Majesty King *George* the Second, shall be deemed, construed, and taken, to have such and the same Relation and Force in this Province, and all his Majesty's Subjects, inhabiting or dwelling in the same, as the same might, could; or ought to have had, if this Act had never been made.

Statute Laws made since 11 Geo. 2, of Force here.

XIII. *PROVIDED also,* That this Act, or any enumerated Act, or Clause, or Paragraph, or Section, of any Act therein contained, shall not be construed or extended to alter the usual Course of Proceedings in the several Courts of Judicature in this Province; and the Manner of drawing, balloting, or choosing of Jurymen, as the same is prescribed by the Laws of this Province in that Case made and provided, and all other the Acts of Assembly of this Province, relating to the regulating Proceedings of the Courts of Judicature in this Province,

This Act not to alter the usual Course of Proceedings in the Courts here.

A. D. 1740.

Province, are hereby declared to be of as full Force and Virtue as if this Act had never been made: and the above enumerated Statutes of the Kingdom of *England*, are hereby Enacted to be put in Execution in this Province, as to the substantial Parts, and so as not to alter the usual Proceedings in our Courts in this Province, and the said Jury Acts: Any particular Clauses or Paragraphs in the above enumerated Acts, with Respect to the particular Circumstances of *England*, being, or seeming to be to the contrary hereof, in any-wise, notwithstanding.

C H A P. II.

An Act, to revive a Clause in an Act of the General Assembly of this Province, intituled, An Act, to fix a Place for the Seat of Government, and for keeping Public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and also for Establishing the Courts of Justice, and regulating the Proceedings therein; passed the Fifth Day of December, One Thousand Seven Hundred and Forty Six.

Preamble.

I. **W**HEREAS, by an Act of the General Assembly of this Province, passed the Fifth Day of December, One Thousand Seven Hundred and Forty Six, intituled, *An Act, to fix a Place for the Seat of Government, and for keeping Public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and also for Establishing the Courts of Justice, and regulating the Proceedings therein*; it is, among other Things, Enacted, That a Tax of Four Pence, Proclamation Money, *per Poll*, Annually, shall be levied on each and every taxable Person within this Province, for and during the Term of Three Years, and no longer; to be applied towards defraying and paying the Chief Justice and Attorney-General, as a Recompence for their Trouble and Expence of going the Circuits, as in the said before recited Act may more fully and at large appear: And whereas the Time limited by the afore recited Act, for levying and collecting the said Tax of Four Pence, Proclamation Money, is near expiring;

Clause revived.

II. *BE it therefore Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and it is hereby Enacted, by the Authority of the same,* That from and after the Expiration of the Time limited in the said Clause of the aforesaid Act, the said Tax of Four Pence, Proclamation Money, *per Poll*, shall continue to be levied, Annually, on each and every taxable Person within this Province, in such Manner as by the said before recited Act is directed; and shall be paid to the Treasurer of the District where such Tax is levied respectively, and by him applied towards defraying and paying the Chief Justice and Attorney-General, as aforesaid: Any Thing in the before-recited Act to the contrary, notwithstanding.

Continuance of the Act.

III. *AND be it further Enacted, by the Authority aforesaid,* That this Act shall continue and be in Force for the Term of Three Years, next after the Passing thereof, and from thence to the End of the next Session of the General Assembly of this Province, and no longer.

C H A P. III.

An additional Act to an Act, intituled, An Act, to provide indifferent Jurymen in all Causes, both Civil and Criminal, and for an Allowance for their Attendance.

I. **W** H E R E A S, by an Act, intituled, *An Act, to provide indifferent Jurymen in all Causes, both Civil and Criminal, and for an Allowance for their Attendance*; it is Enacted, That once in Six Months, at each and every County Court within this Province, next after the First Day of January, and the First Day of July, Yearly, in open Court, the Justices of each and every County Court, together with the then Grand Jury, shall elect and choose a certain Number of the Freeholders of their several Counties, to serve as Jurors at the next General Court, Court of Assize, Court of Oyer and Terminer and General Goal Delivery, to which, by the Law now in Force, or any Law hereafter to be made, they ought to attend; which Manner and Time of making such Choice of Jurors as aforesaid, is found inconvenient and impracticable: Preamble.

II. *B E it therefore Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That from and after the Passing of this Act, once in Six Months, at each and every County Court within this Province that shall happen next after the first Day of June and the first Day of December, Yearly, the Freeholders required by Law to attend as Jurors, from each County respectively, at the next General Court, Court of Assize, Court of Oyer and Terminer and General Goal Delivery, shall be elected in open Court, one Half of their Number by the Justices then sitting in Court, and the other Half by the then present Grand Jury, by a Majority of Votes of the said Justices and Grand Jury respectively, and not otherwise; and the said Justices and Grand Jury shall distinguish the Names of such Persons as shall be so chosen for the Grand Jury, from the Petit Jury, to serve as aforesaid; and such Persons only shall be of either of the said Juries, as are by them so nominated and distinguished: Any Law, Custom, or Usage, to the contrary, notwithstanding.* Manner of appointing Jurors.

C H A P. IV.

An Act, for altering, explaining, and continuing an Act, intituled, An Act, for the better regulating the Militia of this Government.

I. **W** H E R E A S an Act, intituled, *An Act, for the better regulating of the Militia of this Government*, made the Twenty Eighth Day of June, One Thousand Seven Hundred and Forty Six, was to continue for Three Years, and from thence to the End of the next Session of Assembly; which Time is now near expired; which Act, by Experience, is found to be a good and necessary Law: Preamble.

II. *B E it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That the said Act, intituled, An Act, for the better regulating the Militia of this Government, shall, from and after this* Act continued.

A. D. 1749.

this present Session of Assembly, (except as herein altered and explained,) be and continue in Force for the Term of Five Years, and from thence to the End of the next Session of the General Assembly, and no longer.

Court-Martial
not to inflict
Death on Offenders.

III. A N D whereas by the said Act, it is Enacted, That it shall and may be lawful for one Field Officer, or more, Four Captains, Four Lieutenants, Three Ensigns, or the Majority of them, with one Field Officer, openly to hold a Court-Martial, and, on Tryal and Conviction, to punish the Offender or Offenders according to Martial Law, as the Nature of the Crime shall require: *Be it therefore Enacted, by the Authority aforesaid,* That from and after the Passing of this Act, the Powers granted to such Courts-Martial, shall not be understood or construed, to empower any such Court to inflict the Punishment of Death on any Offender or Offenders whatsoever.

Captains to muster
their Companies
twice a Year.

IV. B E it further Enacted, by the Authority aforesaid, That from and after this present Session of Assembly, each and every Captain of a Company, shall and may, at such Times and Places in their respective Districts as they shall judge convenient, Muster their several Companies twice in every Year, and no more: Any Clause in the before-recited Act, Usage, or Custom, to the contrary, notwithstanding.

C H A P. V.

An Act, to appoint a Public Treasurer, in the Room of Edward Moseley, Esq; deceased.

Preamble.

I. **W** H E R E A S, by an Act, intituled, *An Act, to appoint Public Treasurers*, the Honourable Edward Moseley, Esq; was constituted Public Treasurer for the Counties of Craven, Carteret, Onslow, New-Hanover, Bladen, Johnston, Beaufort, and Hyde; and the said Office having become vacant, by the Death of the said Edward Moseley, Esq;

Treasurer appointed.

II. B E it therefore Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same, That the Honourable Eleazer Allen, Esq; be, and is hereby appointed Public Treasurer for the said Counties of Craven, Carteret, Onslow, New-Hanover, Bladen, Johnston, Beaufort, and Hyde, in the Room of the said Edward Moseley, deceased: Which said Treasurer shall, before he enters upon his said Office, give Bond, to our Sovereign Lord the King, his Heirs and Successors, in the Sum of Two Thousand Pounds, Sterling Money, for the faithful Discharge of his said Office: Which Bond shall be lodged in the Secretary's Office.

Sheriffs to pay all
Public Monies to
the Treasurer.

III. A N D be it further Enacted, by the Authority aforesaid, That the Sheriffs, and all other Persons concerned, or who have been concerned, in the Collecting or Receiving any Public Money, within the respective Counties of Craven, Carteret, Onslow, New-Hanover, Bladen, Johnston, Beaufort, and Hyde, who have not already accounted for and paid the same to the aforesaid Edward Moseley, Esq; deceased, shall, upon Oath, account for and pay to the said Eleazer Allen, Esq; all the Money so by them respectively received, or which by Law they ought to have received, and are accountable for; under the Penalty of Twenty Pounds, Proclamation Money.

IV. A N D

IV. *AND be it further Enacted, by the Authority aforesaid,* That all and every the Sherifs, and other Persons, who shall be concerned in the Collecting and Receiving the Public Monies hereafter to be collected and received within the several Counties above mentioned, shall, the Week after the next succeeding General Court following the Time appointed by Law for their Collecting or Receiving thereof, upon Oath, account for and pay the same to the Public Treasurer aforesaid, at *Newbern*, under the Penalty of Twenty Pounds, Proclamation Money.

A. D. 1719.
Sherifs, &c who shall be concerned in receiving Public Money, to account with the Treasurer.

V. *AND be it further Enacted, by the Authority aforesaid,* That the said Public Treasurer is hereby authorized, impowered, and required, to sue and prosecute all such Sherifs or other Persons who have heretofore been, or shall hereafter be, concerned in the Collecting or Receiving the Public Money, or who have or shall, at any Time hereafter, have any of the said Money in their Hands within the said Counties, and shall neglect or refuse to account for and pay the same, and also on the several Bonds given by each and every of the said Sherifs or other Persons in any of the said respective Counties, for the due and faithful Performance of their several Offices and Duties; and the Clerks of the several County Courts, and every other Person or Persons, having such Bond or Bonds, Account or Accounts, or other Papers, in his or their Keeping or Possession, is and are hereby directed and required to deliver the same to the Public Treasurer aforesaid of such County where the said Bond or Bonds was or were given, or Accounts or other Papers lodged, when he shall demand the same.

Treasurer to sue their Bonds, for Neglect therein.

VI. *AND be it further Enacted, by the Authority aforesaid,* That the said Public Treasurer shall, from Time to Time, as often as required, upon Oath, account for and pay to the General Assembly, all such Sums of Money which he shall receive by Virtue of this Act; for which Trouble he shall be allowed Five *per Cent.* on all the Monies by him received and paid into the Assembly, (except the Money he shall receive from the Executors of the said *Edward Moseley, Esq;* which was lodged in his Hands for building the Forts,) and may deduct the same accordingly, as aforesaid.

Treasurer to account with the G. Assembly.

VII. *AND be it Enacted,* That the Penalties in this Act mentioned, shall be sued for and recovered, in the General Court of this Province, by Action of Debt, Bill, Plaint, or Information; wherein no Essoign, Protection, Injunction, or Wager of Law shall be allowed or admitted of; Two Thirds whereof shall be applied to the Use of the Public, and the other Third to the Treasurer aforesaid.

Penalties how to be recovered and applied.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That this Act shall continue in Force so long as the Act before mentioned, for appointing Public Treasurers, and no longer.

Continuance of the Act.

C H A P. VI.

An Act, to Confirm the several Acts of Assembly of this Province therein mentioned, as Revised by the Commissioners appointed by an Act of the General Assembly of this Province, intituled, An Act, for appointing Commissioners to Revise and Print the Laws of this Province; and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province; and such other Laws of this Province as have been passed since the said Revival; and to direct the Printing of the said Laws.

Preamble.

I. **W** H E R E A S the whole Body of the Laws of this Province, to the Seventh Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Forty Six, have, in Pursuance of the Act, *For appointing Commissioners to Revise and Print the Laws of this Province; and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province*, passed the Seventh Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Forty Six; and the Act, *To alter and amend an Act, intituled, An Act, for appointing Commissioners to Revise and Print the Laws of this Province; and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province*, passed the Fifteenth Day of *October*, in the Year of our Lord One Thousand Seven Hundred and Forty Eight; been carefully Compiled and Revised, and the said Revival laid before both Houses of this present Assembly, and approved of by the said Houses:

II. **W** E pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same*, That the several Acts passed at a General Biennial Assembly, held at the House of Captain *Richard Sanderson*, at *Little River*, begun the Seventh Day of *November*, in the Year of our Lord One Thousand Seven Hundred and Fifteen, and continued, by several Adjournments, until the Nineteenth Day of *January*, in the said Year of our Lord One Thousand Seven Hundred and Fifteen, intituled as follows; *to wit,*

Titles of Acts
passed 1715.

Coroners appointed.

An Act, to direct the Method to be observed, in the Examination and Commitment of Criminals.

An Act, to direct the Disposal of Goods taken upon Execution; and for the better Regulation of Distresses hereafter to be made for Levies and Quit-Rents.

An Act, concerning Appeals, and Writs of Error.

An Act, concerning old Titles of Land; and for Limitation of Actions, and for avoiding Suits in Law.

Feme Coverts how to pass Lands.

An Act, for preventing Disputes concerning Lands already surveyed.

An Act, concerning Escheat Lands, and Escheators.

An Act, to regulate divers Abuses in the taking up of Lands; and to ascertain the Method to be observed, from henceforth, in taking up and surveying Lands.

An Act, for Entring of Vessels, and to prevent the Exportation of Debtors.

An Act, concerning Roads, and Ferries.

An Act, To encourage the Building of Mills.

An

An Act, To appoint Public Registers, and to direct the Method to be observed in conveying Lands, Goods, and Chattels; and for preventing fraudulent Deeds and Mortgages. A. D. 1749.

; for ascertaining the Gauge of Barrels, and to prevent Frauds in Pork, Pitch, and Tar.

t, appointing Toll-Books to be kept at or near *Catherine's Creek*, *Chowan Precinct*, the Head of *Pequimons Precinct*, and at the Mouth of *the West River*, in *Currituck Precinct*; and to prevent Persons from transferring or driving Horses, Cattle, or Hogs, to other Persons Lands.

t Fences are sufficient.

ite Burials prohibited.

Act, Concerning proving Wills, and granting Letters of Administration; and to prevent Frauds in the Management of Intestates Estates.

Act, concerning Orphans.

Act, for appointing a Town in the County of *Bath*; and for securing the Public Library belonging to *St. Thomas's Parish*, in *Pamlico*.

Act, for restraining the *Indians* from molesting or injuring the Inhabitants of this Government; and for securing to the *Indians* the Right and Property to their own Lands.

public Treasurers to give Account.

An Act, empowering *Joannah Peterson*, Widow of *Thomas Peterson*, late of *Albemarle County*, Esq; to make Sale of certain Lands, late belonging to the said *Thomas Peterson*; and to make other Provision for *Anna*, the Daughter of the said *Thomas Peterson*, to whom the said Lands do descend.

An Act, confirming the Titles of sundry Persons who have, or hereafter may, purchase Lands of Colonel *Thomas Cary*, in *Bath County*.

And the Law passed in the Year of our Lord One Thousand Seven Hundred and Twenty, intituled as follows; *to wit*, Act passed 1720.

An Act, to confirm a Decree made in the Court of Chancery of this Province, upon a Bill of Complaint exhibited by *William Duckensfield*, Esq;

And the Laws passed at a General Biennial Assembly, held at *Edenton* in *Chowan Precinct*, begun the Second Day of *October*, and continued, by several Adjournments, to the Nineteenth Day of *October*, in the Year of our Lord One Thousand Seven Hundred and Twenty Two, intituled as follows; *to wit*, 1722.

An Act, for a Road from *Core-Point* to *Newbern*, on *Neus River*.

An additional Act to an Act, intituled, *An Act, appointing Toll-Books*.

An Act, appointing that Part of *Albemarle County*, lying on the *West Side* of *Chowan River*, to be a Precinct, by the Name of *Bertie Precinct*.

An Act, appointing that Part of the *Southwest Parish* of *Chowan*, that lies on the *South Shore*, and *Alligator*, to be a distinct Parish, by the Name of the *South Parish* of *Chowan*; and for appointing Vestrymen for the same Parish.

An Act, for settling the Precinct Courts, and Court-houses.

And the Laws passed at a General Biennial Assembly, held at *Edenton*, the Twenty Third Day of *November*, in the Year of our Lord One Thousand Seven Hundred and Twenty Three, intituled as follows; 1723.

An Act, for settling the Titles and Bounds of Lands.

An Act, for an additional Tax on all free Negroes, Mulattoes, Mustees, and such Persons, Male and Female, as now, or hereafter shall be intermarried with any such Persons, resident in this Government.

An additional Act, to an Act, intituled, *An Act, concerning proving Wills, and granting Letters of Administration; and to prevent Frauds in the Management of Intestates Estates*.

An

A. D. 1749.

An Act, to restrain the keeping too great a Number of Horses and Mares, and for amending the Breed.

An Act, for the better settling of the Town of *Newbern*, in the Precinct of *Craven*.

An Act, for incorporating the Sea Port of *Beaufort*, in *Carteret* Precinct, into a Township, by the Name of *Beaufort*.

Acts passed 1727.

And the Laws passed at a General Biennial Assembly, held at *Edenton*, the Sixth Day of *November*, in the Year of our Lord One Thousand Seven Hundred and Twenty Seven, intituled as follows; *to wit*,

An Act, to appoint the *Northwest* Parish of *Bertie* Precinct a distinct Parish, by the Name of the *Northwest* Parish of *Bertie* Precinct, and for appointing Vestrymen for the said Parish; and to appoint Commissioners in every Parish in this Government to call the Churchwardens and Vestry to Account, for the Parish Money by them received.

1728.

And the Laws passed at a General Biennial Assembly, held at *Edenton*, the Twenty Seventh Day of *November*, in the Year of our Lord One Thousand Seven Hundred and Twenty Nine, intituled as follows;

An Act, for the more quiet settling the Bounds of the *Meherrin* Indians Lands.

An Act, to make *Hyde* Precinct seperate from *Beaufort* Precinct, with Power of erecting a Court-house, and holding Courts.

An Act, to appoint that Part of *Albemarle* County lying on the *South* Side of *Albemarle* Sound, and *Moratuck* River, as high as the *Rainbow* Banks, to be a Precinct, by the Name of *Tyrell* Precinct.

An additional Act to an Act, for appointing Toll-Books; and for preventing People from driving Horses; Cattle; or Hogs, to other Peoples Lands.

An Act, for the more effectual and speedy putting in Execution the Act for settling the Titles and Bounds of Peoples Lands.

An Act, to confirm *Bath-Town* Common.

An Act, for Regulating Vestries in this Government, and for the better inspecting the Vestrymen and Churchwardens Accounts, of each and every Parish in this Government.

1734.

And the Laws passed in the Year of our Lord One Thousand Seven Hundred and Thirty Four, intituled as follows; *to wit*;

An additional Act to an Act, concerning Roads and Ferries.

An Act, to confirm and establish the Precincts of *Onslow* and *Bladen*, and for appointing them distinct Parishes.

1738.

And the Laws passed at a General Assembly, held at *Newbern*, the Sixth Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Thirty Eight, intituled as follows; *to wit*,

An Act, for appointing Sherifs in the Room of Marshals of this Province, for prescribing the Method of appointing them, and for limiting the Time of their Continuance in Office, and directing their Duty therein; and for abolishing the Office of Provost Marshal of this Province, and for altering the Names of the Precincts into Counties.

An Act, to prevent killing Deer at unseasonable Times.

An Act, for appointing a Town on the Plantation whereon *William Webster* now dwelleth, in *Hyde* Precinct, on the *West* Side of *Matchapungo* River.

And the Laws passed the Eighth Day of *March*, in the Year last above said, intituled,

An Act, to supply the Defect of an Act passed last Session of Assembly, intituled, *An Act, for appointing Sherifs in the Room of Marshals of this Province*,

vince, for prescribing the Method of appointing them; and for limiting the Time of their Continuance in Office, and directing their Duty therein; and for abolishing the Office of Provost Marshal of this Province, and for altering the Names of the Precincts into Counties. A. D. 1749.

And the Laws passed at a General Assembly, held at *Newbern*, the Twenty Fifth Day of *February*, in the Year of our Lord One Thousand Seven Hundred and Thirty Nine, intituled as follows; *to wit*, Acts passed 1739.

An Act, for prescribing the Method of proving Book Debts.

An Act, for erecting the Village called *Newton*, in *New-Hanover* County; into a Town and Township, by the Name of *Wilmington*.

And the Laws passed at a General Assembly, held at *Edenton*, the Twenty First Day of *August*, in the Year of our Lord One Thousand Seven Hundred and Forty, intituled as follows; *to wit*, 1740.

An Act, for confirming the Titles to the Town Lands of *Edenton*, for securing the Privileges heretofore granted to the said Town, and for further Encouragement and better Regulation thereof.

An Act, to enable the Commissioners herein after appointed, to erect and finish a Church at *Newbern*, in *Craven* County and Parish, in the Province aforesaid, and for the better regulating the said Town; and other Purposes therein mentioned.

An Act, to enable the Commissioners herein after mentioned, to finish the Church already begun at *Edenton*.

An Act, for the further and better Regulation of the Town called *Wilmington*, in *New-Hanover* County, and to establish the Church of the Parish of *St. James*, to be built in the said Town.

An Act, for the more effectual establishing a Ferry from *Bath-Town* to *Core-Point*, &c.

An Act, to exempt the Inhabitants of *Bath-Town* from working on the Public Roads, and to oblige the said Inhabitants to clear and keep the Streets of the said Town clear and in good Order.

An Act, to enable the Justices of *Tyrrel* County to build a Warehouse on *Scuppernong*, for receiving of his Majesty's Quit-Rents.

An Act, for granting an Aid to his Majesty, to defray the Expences of transporting the several Troops enlisted in his Majesty's Service in this Colony, and to ascertain the Method of paying all Taxes and Levies in Commodities; and for other Purposes therein mentioned.

And the Laws passed at a General Assembly, held at *Edenton*, the Fourth Day of *April*, in the Year of our Lord One Thousand Seven Hundred and Forty One, intituled as follows; *to wit*, 1741.

An Act, concerning Marriages.

An Act, to make and Confirm that Part of the Main Road leading from *Bennet's Creek Bridge* to *Virginia*, joining to *Mr. Henry Baker's*, in *Chowan* County, altered for the Conveniency of the Public by the adjacent Inhabitants, to be the Main and Public Road.

An Act, to appoint Constables.

An Act, to confirm and erect that Part of the Province of *North-Carolina*, called *Edcomb* County, into a County, by the Name of *Edcomb* County, and establishing the said County a Parish; and for ascertaining the Boundary Line between the *Northwest* and *Society* Parishes, in *Bertie* County.

An Act, to prevent stealing of Cattle and Hogs, and altering and defacing Marks and Brands, and mismarking and misbranding Horses, Cattle, and Hogs, unmarked and unbranded.

An

A. D. 1749.

An Act, for ascertaining the Boundary Line between *Tyrrel* County, and *Beaufort* County; and between *Edgcomb* County, and *Tyrrel* and *Beaufort* Counties.

An Act, for restraining the taking of excessive Usury.

An Act, for appointing and laying out a Town on or near *Mittam's Point*; on the *South* Side of *New River*, in *Onslow* County, by the Name of *Johnston*.

An Act, to prevent the taking Boats, Canoes, or Pettiaguas, from Landings, or elsewhere, without Leave.

An Act, for the better Observation and keeping of the Lord's Day, commonly called *Sunday*; and for the more effectual Suppression of Vice and Immorality

An Act, for the Tryal of small and mean Causes.

An Act, for ascertaining the Damage upon protested Bills of Exchange.

An Act, for regulating Weights and Measures.

An Act, for the building and maintaining of Court-houses, Prisons, and Stocks, in every County within this Province, and appointing Rules to each County Prison for Debtors.

An Act, the better to enable the Commissioners appointed for building a Church at *Newbern*; to erect the same, and to empower them to demand and receive of any Person or Persons, all Parish Levies already laid, and not appropriated; and for other Purposes therein mentioned.

An Act, for regulating Ordinaries, and for the Restraint of Tippling-houses.

An Act, for the Relief of such Persons as have suffered, or may suffer, by Neglect of the Registers of the several Counties within this Province, in registering their Deeds or mesne Conveyances; as also for Want of acknowledging and proving, or, through Ignorance and Neglect, not applying to have the same registred.

An Act, for establishing the Church, for appointing Parishes, and the Method of electing Vestries; and for directing the Settlement of Parish Accounts throughout this Government.

An Act, Concerning Servants and Slaves:

Act passed 1741.

And the Law passed at *Wilmington*, in the said Year of our Lord One Thousand Seven Hundred and Forty One, intituled as follows; *to wit*,

An Act, for erecting the upper Part of *Bertie* County into a County, By the Name of *Northampton* County, and for regulating the Limits between *Society* Parish and the *Northwest* Parish of *Bertie*; and for removing the Seat of *Bertie* Court.

1743.

And the Laws passed at a General Assembly, held at *Edenton*, the Second Day of *April*, in the Year of our Lord One Thousand Seven Hundred and Forty Three, intituled as follows; *to wit*,

An Act, to regulate Elections for Members to serve in General Assembly for the several Counties, to declare who shall be qualified to vote in the said Elections, or to be elected a Member of the General Assembly, for any of the said Counties; and to direct the Method to be observed in taking the Poll at the several Elections in the Counties and Towns in this Province.

An Act, for obtaining an exact List of Taxables, and for the effectual collecting as well all Arrears of Taxes, as all other Taxes, for the future, due and payable.

An Act, to empower the Justices of *Beaufort* County to build two substantial Warehouses, at the Places hereafter mentioned, in the said County, for the Use and Conveniency of the Inhabitants paying their Taxes and Levies.

An Act, to ascertain what Attornies Fees shall be taxed and allowed, in any Suit or Action brought in any of the Courts of Record in this Province.

An

An Act, for making and clearing a Highway from *Edenton*, into the Road leading over Mr. *Hoskin's* Mill Dam, towards *Pequimons* Court-house, and for erecting Bridges in such Road, and also another Gate at *Edenton*. A. D. 1749.

An Act, for erecting a Court-house, Prison, and Stocks, in *Bertie* County, and for laying a Tax on the Inhabitants of the said County, for defraying the Charge thereof.

And the Laws passed at a General Assembly, held at *Newbern*, the Twentieth Day of *April*, in the Year of our Lord One Thousand Seven Hundred and Forty Five, intituled as follows; *to wit*, 1745.

An additional Act to an Act, intituled, *An Act, for appointing Sheriffs in the Room of Marshals of this Province, for prescribing the Method of appointing them, and limiting the Time of their Continuance in Office, and directing their Duty therein; and for altering the Names of Precincts into Counties.*

An additional Act to an Act, intituled, *An Act, to prevent killing Deer at unreasonable Times, and for putting a Stop to many Abuses committed by white Persons, under Pretence of hunting.*

An Act, for empowering the several Commissioners herein after named, to make, mend, and repair all Roads, Bridges, Cuts, and Water-Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts herein after appointed, in such Manner as they shall judge most useful to the Public.

An Act, for erecting a Fortification on the lower Part of *Cape-Fear* River, for applying thereto the Powder Money already arisen, or which shall arise, by Shipping coming into the Port of *Brunswick*.

An Act, to appoint Commissioners in the Place and Stead of those deceased, to compleat and finish the Church at *Newbern*, and for adding the present Churchwardens and Vestrymen to the said Commissioners; and for empowering the said Commissioners, Churchwardens, and Vestrymen, to call the former Commissioners to Account, for all the Monies by them received for the Use of the said Church, and to appropriate it to the Purposes aforesaid; and in Case of Insufficiency, to lay a Levy to accomplish the same.

An Act, to add that Part of the Province called *Matamuskeet*, and Lake, to *Hyde* County.

An Act, to empower the Commissioners for the Town of *Edenton*, to keep in Repair the Town Fence, and to erect and build a Pound, Bridges, and Public Wharf, and Market-house; as also to erect and build a School-house in the said Town, and other Purposes therein mentioned.

An Act, for the better regulating the Town of *Wilmington*, and for confirming and establishing the late Survey of the same, with the Plan annexed.

An Act, for fencing the Town of *Bath*, and re-surveying the Common belonging to the said Town, and exempting the Inhabitants from working on the Main Road; and to give Liberty to the Inhabitants to build and improve the Front or Water Lots, and to appoint Commissioners for the Purposes aforesaid.

An Act, to encourage Persons to settle in the Town of *Brunswick*, on the Southwest Side of *Cape-Fear* River.

And the Laws passed at a General Assembly, held at *Newbern*, the Twenty Eighth Day of *June*, in the Year of our Lord One Thousand Seven Hundred and Forty Six, intituled as follows; *to wit*, 1746.

An Act, for the better regulating the Militia of this Government.

An Act, for erecting the upper Part of *Craven* County into a County and Parish; and for appointing a Place for building a Court-house, Prison, and Stocks, in the said County.

A. D. 1749.

An Act, for dividing *Edgcomb* County and Parish, and for erecting the upper Part thereof into a County and Parish; by the Name of *Granville* County, and *St. John's* Parish; and for appointing Vestrymen of the said Parish.

A. D. 1746.

And the Laws passed at a General Assembly, held at *Wilmington*, the Fifth Day of *December*, in the Year of our Lord One Thousand Seven Hundred and Forty Six, intituled as follows; *to wit*,

An Act, for the better ascertaining the Number of Members to be chosen for the several Counties within this Province, to sit in General Assembly, and for establishing a more equal Representative of all his Majesty's Subjects in the House of Burgesses.

An Act, to fix a Place for the Seat of Government, and for keeping Public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and also for Establishing the Courts of Justice, and regulating the Proceedings therein.

And the Law passed at a General Assembly, held at *Newbern*, the Seventeenth Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Forty Six, intituled as follows; *to wit*,

An Act, for appointing Commissioners to Revise and Print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province.

1745.

And the Laws passed at a General Assembly, held at *Newbern*, the Sixth Day of *April*, in the Year of our Lord One Thousand Seven Hundred and Forty Eight, intituled as follows; *to wit*,

An Act, to appoint Public Treasurers.

An Act, for regulating the several Officers Fees within this Province, and ascertaining the Method of paying the same.

An Act, for laying a Tax on the Inhabitants of *Granville* County, and for appointing Commissioners to compleat and finish the Public Buildings already begun in the said County.

An Act, to prevent the Exportation of raw Hides, Pieces of Hides, and Calf Skins, out of this Government.

An Act, to appoint Commissioners to continue running the Boundary Line between *Edgcomb* County, *Tyrrel*, and Part of *Beaufort* Counties.

An Act, for Destroying of Vermin in this Province.

An Act, to enlarge the Time for the Commissioners of the Roads, appointed by the Act of Assembly passed *April* the Twentieth, One Thousand Seven Hundred and Forty Five, intituled, *An Act, for empowering the several Commissioners herein after named, to make, mend, and repair all Roads and Bridges, Cuts and Water-Courses, already laid out, or hereafter to be laid out, in the several Counties and Districts herein after appointed, in such Manner as they shall judge most useful to the Public, to recover the several Sums due from Defaulters.*

An Act, to provide indifferent Jurymen in all Causes both Civil and Criminal, and for an Allowance for their Attendance.

An Act, to alter the Times for holding Courts for the County of *New-Hanover*.

An Act, for granting unto his Majesty the Sum of Twenty One Thousand Three Hundred and Fifty Pounds Proclamation Money, and for Stamping and Emitting the said Sum of Twenty One Thousand Three Hundred and Fifty Pounds, Public Bills of Credit of this Province, at the Rate of Proclamation Money, to be applied towards building Fortifications in this Province, Payment of the Public Debts, exchanging the present Bills of Credit, and for making proper Provision for defraying the contingent Charges of

of the Government; and for Repealing the several Laws herein after mentioned. A. D. 1749.

And the Laws passed at a General Assembly, held at *Newbern*, the Fifteenth Day of *October*, in the said Year of our Lord One Thousand Seven Hundred and Forty Eight, intituled as follows; *to wit*, Acts passed 1748.

An Act, to appoint a convenient Place for holding the County Court of *Granville*, and to impower the Commissioners hereafter named to build a Court-house, Prison, and Stocks, in the said County.

An Act, for defraying the Expence of the Members of his Majesty's Honourable Council, and the Members of the General Assembly of this Province, in their travelling to, from, and attending at the said Assemblies; and to compel their Attendance.

An Act, for ascertaining the Bounds of a certain Tract of Land, formerly laid out by Treaty, to the Use of the *Tuskerora Indians*, so long as they, or any of them, shall occupy and live upon the same; and to prevent any Person or Persons taking up Lands or settling within the said Bounds, by Pretence of any Purchase or Purchases made, or that shall be made, from the said *Indians*.

An Act, for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Possessions, and for directing the Payment of Quit-Rents.

An Act, to appoint an Agent to solicit the Affairs of this Province, at the several Boards in *England*.

An Act, for the better regulating the Town of *Newbern*, for fencing the same, and securing the Titles of the several Persons who hold Lots in the said Town.

An Act, to alter and amend an Act, intituled, *An Act, for appointing Commissioners to Revise and Print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province.*

And the Laws passed at a General Assembly, held at *Newbern*, the Fourteenth Day of *April*, in the Year of our Lord One Thousand Seven Hundred and Forty Nine, intituled as follows; *to wit*, 1749.

An additional Act, to an Act, intituled, *An Act, for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Possessions, and for directing the Payment of Quit Rents.*

An Act, for the Relief of poor Debtors, as to the Imprisonment of their Persons.

An Act, for the Encouragement of *James Davis*, to set up and carry on his Business of a Printer in this Province; and for other Purposes therein mentioned.

An Act, Directing the Method for cutting or docking Intails of small Estates.

And the Laws passed this present Session of Assembly, at *Newbern*, the Sixteenth Day of *October*, in the Year of our Lord One Thousand Seven Hundred and Forty Nine, intituled as follows; *to wit*,

An Act, to put in Force in this Province, the several Statutes of the Kingdom of *England*, or *South Britain*, therein particularly mentioned.

An Act, to revive a Clause in an Act of the General Assembly, intituled, *An Act, to fix a Place for the Seat of Government, and for keeping Public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and also for Establishing the Courts of Justice, and regulating the Proceedings therein.*

An additional Act to an Act, intituled, *An Act, to provide indifferent Jurymen in all Causes, Civil and Criminal, and for an Allowance for their Attendance.*

An

A. D. 1749.

An Act, for altering, explaining, and continuing an Act, intituled, *An Act, for the better Regulating the Militia of this Government.*

The afore-recited Acts declared to be in Force.

An Act, to appoint a Public Treasurer, in the Room of the Honourable Edward Moseley, Esq; deceased: And every Clause and Section of them, and each of them, (except such Clause and Clauses, Section and Sections, which are become obsolete, have expired, or stand and are repealed by any subsequent Act of the General Assembly of this Province herein before mentioned,) are hereby Confirmed, and shall be held, deemed, and taken to be and remain in full Force within this Province; and shall be Printed, and given in Evidence, agreeable to the afore-mentioned Act, intituled, *An Act, for appointing Commissioners to Revise and Print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province;* and the Act, intituled, *An Act, to alter and amend an Act, intituled, An Act, for appointing Commissioners to Revise and Print the Laws of this Province, and for granting to his Majesty, for defraying the Charge thereof, a Duty on Wine, Rum, and distilled Liquors, and Rice imported into this Province.*

What Specie the several Fines are in.

III. *AND be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures mentioned in any of the before recited Laws, where the particular Species of Money is not specially named, the same shall be understood, deemed, and adjudged to be Proclamation Money, and none other.*

Laws repealed, &c. and Titles to be printed.

IV. *AND be it further Enacted, by the Authority aforesaid, That all and every Act and Acts, Clause and Clauses, Section and Sections, of all and every Act and Acts of the General Assembly of this Province, in the said revised Laws or Acts of the said General Assembly, mentioned to be obsolete, expired, and repealed; are hereby Enacted and Declared to be obsolete, expired, and repealed; and the Titles, with such Note only, be printed.*

All Things heretofore done by Virtue of the Laws now repealed, &c. declared valid.

V. *PROVIDED always nevertheless, and it is hereby Enacted, That all and every Judgment, Order, Decree, or Sentence of any Court heretofore given or passed, and all and every Matter or Thing heretofore done and performed, by any Officer or Officers, Judicial or Ministerial, or by any other Person or Persons whatsoever, in Virtue, and by Force of any Act or Acts, Clause or Clauses, of any Act or Acts of the General Assembly of this Province, in the said revised Laws mentioned to be obsolete, expired, or repealed, shall be deemed, held, and taken to be good and valid in Law, to all Intents and Purposes, as if the said Acts were continued and in full Force; any Thing herein before contained to the contrary, in any wise, notwithstanding.*

SIGNED by

GABRIEL JOHNSTON, Esq; Governor.

Nathaniel Rice, President.

SAMUEL SWANN, Speaker.

Anno



Anno Regni

GEORGE II.

Regis, *Magnæ Britanniae, Franciæ, & Hiberniæ*, Viceffimo Tertio.

At a General ASSEMBLY, held at *Newbern*, the Seventeenth Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Forty Nine. GABRIEL JOHNSTON, Esq; Governor.

CHAP. I.

An Act, for Erecting the Upper Part of New-Hanover County into a County and Parish, by the Name of Duplin County, and St. Gabriel Parish; and for appointing a Place for building a Court-house, Prison, and Stocks, in the said County.

I. **W**HEREAS the County of *New-Hanover* is now become so very extensive, that many of the Inhabitants thereof live very remote from the Place where the Court of the said County is held, whereby a great many Difficulties and Hardships arise to the Upper Inhabitants thereof, not only in attending their ordinary Business in the said Court, but also by being compelled to serve as Jurymen, and oftentimes as Evidences, at the said Court: For Remedy whereof, Preamble.

II. **W**E pray that it may be Enacted, *And be it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same,* That *New-Hanover* County be divided by a Line, beginning at the Mouth of *Rock-fish* Creek, on the *North-East* River of *Cape-Fear*, running *East* to *Onslow* County, and *Westward*, by a straight Line from the Mouth of the said Creek, to the Upper Forks of *Black* River, where *Cohetry* and the Six Runs meet, thence up *Cohetry* to the Head thereof; and that the Upper Part of the said County be erected into a County, by the Name of *Duplin* County, and *St. Gabriel* Parish: And that the said County and Parish shall enjoy all the Privileges and Advantages that any other County and Parish in this Province now holds or enjoys. Division of the County.

A. D. 1749.

Courts of the
County when
held.

III. *AND* be it further Enacted, by the Authority aforesaid, That the Courts of the said County shall be held on the Second Tuesdays in January, April, July, and October.

First Court where
to be held.
Court-house, &c.
to be built, and
County to be
divided into Dis-
tricts, &c.

IV. *AND* be it further Enacted, That the Justices of the said County, or the Majority of them, shall hold their first Court at the House of *William McRee*, at *Gospen*, and then and there nominate and appoint a certain Place for building a Court-house, Prison, and Stocks, at the most proper Place in the said County; and shall further divide the said County into Districts, and appoint Commissioners of the Roads for the same; and shall also make such Orders and Rules for erecting the said Buildings, and running the Dividing Line aforesaid, at the proper and equal Expence of the Inhabitants of the same, by a Poll-Tax, not exceeding One Shilling Proclamation Money, per Year, for Three Years, and no longer.

Commissioners
appointed.

V. *AND* be it further Enacted; That Mr. *John Sampson*, and Capt. *Henry Hyrne*, be, and are hereby appointed and authorised Commissioners; and are hereby impowered and directed to run the said dividing Line between the Counties of *New-Hanover*, and *Duplin*:

Sheriff appointed.

VI. *AND* be it further Enacted, by the Authority aforesaid, That *William McRee*, Jun. be, and is hereby appointed Sheriff of the said County, until the Time by Law prescribed for appointing Sheriffs for the several Counties in this Province, and shall be vested with all the Powers and Authorities any other Sheriff or Sheriffs in this Province is and are vested with. And to the End that no Action begun in *New-Hanover* County, be defeated by the Division aforesaid,

Process com-
menced in *New-
Hanover*, against
Inhabitants of
Duplin, to be
served by the
Sheriff of *New-
Hanover*.

VII. *B E* it Enacted, by the Authority aforesaid; That where any Action is already commenced in the said Court of *New-Hanover* County, and that the Parties or Evidences shall be Inhabitants of the County of *Duplin*, all subsequent Process against such Parties or Evidences, shall be directed to be executed by the Sheriff of *New-Hanover* County: Any Law, Usage, or Custom, to the contrary, notwithstanding.

Vestrymen ap-
pointed.

VIII. *AND* be it further Enacted, by the Authority aforesaid; That Mr. *John Sampson*, Mr. *William McRee*, Mr. *George Mears*, Mr. *Francis Brice*, Mr. *William Houston*, Mr. *Joseph Williams*, Mr. *John Herring*, Mr. *Anthony Cox*, Mr. *Mark Philips*, Mr. *John Turner*, Mr. *Thomas Suggs*, and Mr. *Charles Gavin*, be, and are hereby appointed Vestrymen of *St. Gabriel* Parish aforesaid, until the General Election of Vestrymen, according to Law; and that the said Vestrymen shall be summoned by the Sheriff of the said County of *Duplin*, to meet at the Place appointed by this Act where the Court is to be held, and qualify themselves as a Vestry, and proceed to Parish Business.

Duplin Levies to
be collected by
the Sheriff of
New-Hanover.

IX. *AND* be it further Enacted; That all Public, County, and Parish Levies, now due from any of the Inhabitants of the said County of *Duplin*, shall be collected by the Sheriff of *New-Hanover* County, and accounted for in the same Manner as if this Act had not been made.

Duplin County
to send Jurors to
Wilmington As-
sises.

X. *AND* be it farther Enacted, by the Authority aforesaid, That the said County of *Duplin* be, and is hereby obliged to send Jurors to the Courts of Assize, Oyer and Terminer, and General Goal Delivery, to be held at *Wilmington*, in like Manner as the Counties of *Bladen* and *Onslow*.

C H A P. II.

An Act, for Erecting the Upper Part of Bladen County into a County and Parish, by the Name of Anson County, and St. George's Parish; and for appointing a Place for building a Court-house, Prison, and Stocks, in the said County.

I. **W** H E R E A S the County of *Bladen* is now become so very extensive, Preamble. that many of the Inhabitants thereof live very remote from the Place where the Court of the said County is held; whereby a great many Difficulties and Hardships arise to the Upper Inhabitants thereof, not only in attending their ordinary Business in the said Court, but also by being compelled to serve as Jurymen, and oftentimes as Evidences; at the said Court: For Remedy whereof,

II. **W** E pray that it may be Enacted, *And be it Enacted,* by his Excellency Division of the Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That *Bladen* County be divided by a Line, beginning at the Place where the South Line of this Province crosseth the Westernmost Branch of Little *Pee-Dee* River, then by a straight Line to a Place where the Commissioners for running the Southern Boundary of this Province crossed that Branch of Little *Pee-Dee* River, called *Drowning Creek*, thence up that Branch to the Head thereof; then by a Line, to run, as near as may be, equidistant, from *Saxpaw* River, and Great *Pee-Dee* River; and that the upper Part of the said County and Parish so laid off and divided, be erected into a County and Parish, by the Name of *Anson* County, and *St. George's* Parish, and that all the Inhabitants to the Westward of the afore-mentioned dividing Line, shall belong and appertain to *Anson* County: And that the said County and Parish shall enjoy all and every the Privileges, which any other County or Parish in this Province holds or enjoys.

III. *AND be it further Enacted,* by the Authority aforesaid, That it shall and may be lawful, for the Justices of the said County to lay a Tax on all the Taxables in the said County, not exceeding the Sum of One Shilling Proclamation Money, *per Annum*, for the Term of Three Years, for building a Court-house, Prison, and Stocks, in the said County, at such Place as the said Justices shall agree upon and appoint, at the County Court to be holden on the Third Tuesday of *October*, next following; and shall further divide the said County into Districts, and shall appoint Commissioners of the Roads for the same: Which said Tax shall be Collected by the Sheriff of the said County, at such Times, and in the same Manner as other County Taxes are collected. Tax to be laid, for building a Court-house, &c.

IV. *AND be it further Enacted,* by the Authority aforesaid, That the Courts of the said County shall be held, on the Third Tuesdays in *January*, *April*, *July*, and *October*. Courts of the County when held.

V. *AND be it further Enacted,* That *Joseph White*, be, and is hereby appointed Sheriff of the said County of *Anson*, until the Time prescribed by Law for appointing Sheriffs of this Province; and shall be vested with the same Powers and Authorities, as any other Sheriff of any other County in this Province is vested with. Sheriff appointed.

VI. *AND be it further Enacted,* by the Authority aforesaid, That Mr. *Joseph White*, Mr. *Charles Robertson*, Mr. *Edmond Cartledge*, Mr. *William Philips*, Mr. *John Brandon*, Mr. *John Furbus*, Mr. *James Carthy*, Mr. *John Crawford*, Vestrymen appointed.
Mr.

A. D. 1749.

Mr. *Alexander Osborn*, Mr. *Walter Carieth*, and Mr. *John Brevard*, be, and they are hereby appointed Vestrymen of the said Parish of *St. George's*, until the General Election of Vestrymen, according to Law; and that the said Vestrymen shall be summoned by the Sheriff of the said County, to meet at such Time and Place, as the Majority of the said Vestrymen shall appoint, and qualify themselves as a Vestry, and proceed to Parish Business.

Anson County Taxes to be collected by the Sheriff of Bladen.

VII. *AND be it further Enacted*, That all County and Parish Taxes, now due from any of the Inhabitants of the said County of *Anson*, shall be Collected by the Sheriff of *Bladen* County, and accounted for in the same Manner as tho' this Act had not been made.

VIII. *AND to the End*, that no Action commenced in *Bladen* County be defeated, by the Division aforesaid,

Process commenced against Inhabitants of Anson, to be served by the Sheriff of Bladen.

IX. *BE it Enacted, by the Authority aforesaid*, That where any Action is already commenced in the said County of *Bladen*, and that the Parties or Evidences shall be Inhabitants of *Anson* County, all subsequent Process against such Parties or Evidences, shall be directed to be executed by the Sheriff of *Bladen* County, to the End and final Determination of the said Causes: Any Law, Usage, or Custom, to the contrary, notwithstanding.

Anson County obliged to send Jurors to Wilmington Assizes.

X. *AND be it further Enacted, by the Authority aforesaid*, That the said County of *Anson* be, and is hereby obliged to send Jurors to the Courts of Assize, Oyer and Terminer, and General Goal Delivery, to be held at *Wilmington*, in like Manner as the Counties of *Bladen* and *Onslow*.

C H A P. III.

An additional Act to an Act, for obtaining an exact List of Taxables; and for the effectual Collecting as well all Arrears of Taxes, as all other Taxes, for the future due and payable.

Preamble.

I. **W** H E R E A S Doubts have arisen, what Persons shall be deemed and taken for taxable Persons in this Province, and no Law now in Force does ascertain the same: For Remedy whereof,

Persons deemed Taxables.

II. *BE it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same*, That all and every white Person, Male, of the Age of Sixteen Years, and upwards, all Negroes, Mulattoes, Mustees, Male or Female, and all Persons of mixt Blood, to the fourth Generation, of the Age of Twelve Years, and upwards, and all white Persons intermarrying with any Negroe, Mulattoe, Mustee, or other Person of mixt Blood, while so intermarried, and no other Person or Persons whatsoever, shall be deemed Taxables: Any Law, Usage, or Custom, to the contrary, notwithstanding.

III. *AND* whereas it sometimes happens, that through the Death or Removal of the several Constables out of their respective Counties, the several Masters, Mistresses, or Overseers, are not duly summoned to appear, and give in, upon Oath, their respective Lists, whereby Deficiencies have happened, and Disputes arisen: For Remedy whereof;

IV. *BE*

A. D. 1749.

IV. *BE it Enacted, by the Authority aforesaid,* That every Master or Mistress of a Family, or Overseer of a Plantation, of which there is no Master or Mistress, within the County, although not summoned, is hereby required to appear before one of his Majesty's Justices of the Peace for the County, on or before the second Court to be held for the County, after the First Day of *May*, Yearly, and to give in his or her List of Taxables; setting forth in such List, the Name and Sex of each Taxable Person, whether white or black, bond or free, and distinguishing such Male Slaves as are Sixteen Years of Age, and upwards; under the Penalty of Forty Shillings, Proclamation Money, over and above Twenty Shillings, like Money, for each and every Month he or she shall neglect giving in such List, after the said Second Court to be held for the said County, after the said First Day of *May*: To be recovered in any Court, or before Two Justices of the Peace, according as the same may be cognizable, by Action of Debt, Bill, Complaint, or Information; wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of: One Half to the Informer, and the other Half to be paid to the Justices, for the Use of the County where the same shall be recovered.

Penalty on Persons neglecting to give in their List of Tithables, altho' not summoned.

V. *AND be it further Enacted,* That all such Person or Persons resident in any County of this Province, at the Times Taxables are by Law to be inlisted, who have no Home or Dwelling of his or their own in such County, shall, and are hereby required, to procure some House-keeper to List him or them; under the same Penalties and Forfeitures as by Law are inflicted on Masters of Families neglecting to give in their several Lists.

Persons not having Dwellings of their own in the County, to procure some House-keeper to give in their Lists.

VI. *AND the better to discover Concealments, Be it Enacted, by the Authority aforesaid,* That the Clerk of each and every County Court, shall, within One Month next after the Lists of Taxables shall be returned by the Justices into his Office, transmit One attested Copy of such List, Yearly, to the Sheriff of the said County; and also, shall affix One fair Copy in the Court-house, and keep the same there constantly set up, that all Persons may have Opportunity to peruse and examine the same; under the Penalty of Five Pounds, Proclamation Money, for every such Neglect: To be recovered by Action of Debt, in any Court of Record in this Province, by any Person who shall or will sue for the same; wherein no Essoign, Injunction, or Wager of Law, shall be allowed or admitted of: One Half to the Use of the Prosecutor, and the other Half to the Use of the Parish wherein the Offence shall be committed.

Clerk to transmit a Copy of this List of Tithables to the Sheriff, &c keep another set up in his Office.

VII. *AND be it further Enacted,* That the Justices of the several County Courts, are hereby impowered, to make the Clerks thereof a proper Allowance out of the County Tax, for making out the said several Lists.

Clerk to have an Allowance for it.

C H A P. IV.

An Act, to enable the Justices of the several Counties to provide certain Law Books, for the Use of their County Courts.

I. *BE it Enacted, by his Excellency, Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province,* That the Justices of each County Court within this Province, shall and may have full Power and Authority, in some convenient Time, according to their Discretion, to purchase and provide the latest Editions of the Law

Justices impowered to purchase Law Books.

A. D. 1749. Books following, *to wit*; *Nelson's Justice*, *Cary's Abridgment of the Statutes*, *Swinburn of Wills*, or *Godolphin's Orphan's Legacy*, and *Jacob's Law Dictionary*, or *Wood's Institutes*: Which Books, when provided; shall be, for ever after, for the Use of the County Court, and shall be kept in the Offices of the several Clerks, and constantly, during the Setting of every County Court, laid, by the Clerk of each Court, on the Court Table, for the Use and Perusal of the Justices of such Court, and of all such as may have any Matters depending in Court.

Penalty on the Clerk for destroying such Books.

II. *AND be it further Enacted, by the Authority aforesaid*, That if any County Court Clerk shall abuse or destroy, or suffer to be abused or destroyed, any of the Books so committed to his Care, he shall be fined; at the Discretion of the Court, for such his Neglect: Which Fine shall be applied towards repairing the Loss or Damage of such Books, occasioned by such Neglect.

Tax to be laid for purchasing Books.

III. *AND be it further Enacted, by the Authority aforesaid*, That the Justices in the several County Courts, shall have full Power to lay such an additional Tax on their respective Counties, as shall be sufficient to purchase and provide the Books aforesaid; and shall apply the same accordingly.

CHAP. V.

An Act, to encourage Michael Higgins to build a Bridge over Trent River, near Wickliff's Ferry, in Craven County

Private.

I. **W**HEREAS a Bridge over *Trent River*, near the Place called *Wickliff's Ferry*, would be much for the Conveniency of all Travellers, and *Michael Higgins* being desirous of building one there at his own Expence, on Condition of having the Benefit thereof for the Space of Twenty Five Years:

II. *BE it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same*, That it shall and may be lawful for the said *Michael Higgins*, his Heirs or Assigns, to erect and build a good substantial Bridge over *Trent River*, as near as he conveniently can to the Place where the Main Road crosseth the said River, near the Place commonly called *Wickliff's Ferry*; and after building the said Bridge as aforesaid, it shall and may be lawful for the said *Michael Higgins*, his Heirs, Executors, Administrators, or Assigns, to keep a sufficient Gate thereon, and take and receive from all Persons that shall pass over the same, the following Rates; that is to say, For every Man and Horse, Four Pence; for every Carriage drawn by One or Two Horses or Oxen, One Shilling; and for ever Horse or Ox more, Four Pence each; and for every Head of Neat Cattle, One Penny; and for every Twenty Hogs or Sheep, One Shilling, and so in Proportion, for a greater or lesser Number of Hogs or Sheep; for and during the Space of Twenty Five Years, and no longer.

III. *AND be it further Enacted, by the Authority aforesaid*, That after the said Bridge is so built and compleated as aforesaid, it shall not be lawful, during the Time the said Bridge shall be kept in Repair, and fit for Travellers and Carriages to pass and repass over the same, for any Person whatsoever, to keep any Ferry, build any Bridge, or set any Person or Persons, Carriage or Carriages, Cattle, Hogs, or Sheep, over the said River, for Fee or Reward, within Six Miles of the same, during the Time aforesaid; under the Penalty of Twenty Shillings,

Shillings, Proclamation Money, for each and every Offence: To be recovered before any Magistrate of the County of *Craven*; to be applied to the Use of the Proprietor of the Bridge built by the said *Michael Higgins*; and, during the said Time, the Right and Property of the said Bridge is hereby invested in the said *Michael Higgins*, his Heirs, Executors, Administrators, or Assigns. A. D. 1749.

C H A P. VI.

An Act, for appointing and laying out a Town on the Plantation of Mr. Samuel Jordan, on the North Side of Roanoake River, in Northampton County; and for Establishing Two Fairs to be held Annually therein.

I. **W** H E R E A S the Inhabitants of *Northampton County* have petitioned for an Act, for appointing a Town on the Plantation of Mr. *Samuel Jordan*, on the North Side of *Roanoake River*, in *Northampton County*: Private.

II. **W** E pray that it may be Enacted, *And be it Enacted*, by his Excellency *Gabriel Johnston, Esq; Governor*, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That as soon as the Proprietor of the said Land shall acknowledge his Consent and Concurrence, in open Court of the said County, to have such Part of the said Land laid out for a Town as herein after is directed, *Samuel Jordan, William Short, William Kinchin, Francis Corbin, and John Dawson*, are hereby nominated and appointed Commissioners, and they, or the Majority of them, are hereby invested with full Power and Authority, to lay out Thirty Six Acres of Land, on the said Plantation, for a Town, by the Name of *Hawns*; and to lay out the same Thirty Six Acres into Lots, of Half an Acre each, with convenient Streets and Squares.

III. *AND be it further Enacted*, That when the Commissioners, or the Majority of them, have laid out the said Town into Lots and Streets, as aforesaid, every Person whatsoever who is willing to be an Inhabitant of the said Town, shall have Liberty to take up any Lot or Lots so laid out as aforesaid, and not taken before; which Lot or Lots the Commissioners before appointed, or the Majority of them, are hereby impowed to grant, convey, and acknowledge, to the Person or Persons so taking up the same, his Heirs and Assigns, for ever, in Fee, upon the Payment of Five Pounds, Proclamation Money, or the Value thereof, to the Treasurer herein after mentioned.

IV. *AND be it further Enacted*, by the Authority aforesaid, That *William Short* is hereby appointed Treasurer and Receiver of all such Sum or Sums of Money, as shall arise by the Sale of such Lots, for the Use hereafter mentioned; and on the Death or Departure out of the Government, of the said Treasurer, the said Commissioners, or the major Part of them, shall appoint some other Person Treasurer, in the Place of the said Treasurer so dying, or departing the Government.

V. *AND be it further Enacted*, by the Authority aforesaid, That the Treasurer that shall or may be hereafter appointed by the Commissioners as aforesaid, shall give Security to the County Court, that he shall and will account with, and pay in all the Monies he shall receive, for the Sale of all and every the Lot or Lots that shall be sold, Yearly, on the Twenty Fifth Day of *March*, to Mr. *Samuel Jordan*, or the Proprietor of the said Lands.

A. D. 1749.

VI. *PROVIDED* always, That if any Lot or Lots shall be granted or conveyed by the said Commissioners, to any Person or Persons whatsoever, who shall not, within Two Years, build a good substantial habitable framed House, not of less Dimensions than Twenty Feet in Length, and Sixteen Feet wide, besides Sheds or Lehtoes, or make such Preparation for so doing, as the Commissioners, or the Majority of them, shall, on View, think reasonable, such Grant or Conveyance shall be void, and it is hereby declared void and of none Effect, as if the same had never been made; and the Commissioners may grant and convey such Lot or Lots which shall not be built on within the Time, and in the Manner as is herein before directed, to any other Person or Persons applying for the same, and paying the Money for the said Lot, as in this Act is before directed, for the Use of the said *Samuel Jordan*, or other Proprietor, as aforesaid.

VII. *AND* be it further Enacted, by the Authority aforesaid, That the Commissioners, or the Majority of them, shall be; and they are hereby impowered and authorized, to remove all Nuisances within the Limits of the said Town.

VIII. *AND* be it further Enacted, by the Authority aforesaid, That no Person, Inhabitant of the said Town, or holding a Lot or Lots therein, shall inclose the same, or keep the same inclosed, under a common Stake Fence; but every Lot therein shall be paled, or inclosed with Posts and Rails set up.

IX. *AND* be it further Enacted, by the Authority aforesaid, That all Persons, Possessors or Owners of any Lot or Lots in the said Town, shall, within Two Years from the Date of their Grant or Conveyance, clear, and keep constantly clear, their Lot or Lots, from all Manner of Wood, Under-wood, Brush, and Grubs; under the Penalty of One Shilling, Proclamation Money, for every Month such Owner or Owners of any Lot or Lots shall neglect to clear or keep the same clear; To be recovered by a Warrant from any Justice of the Peace, and applied, by the said Commissioners, for and towards clearing the Streets in the said Town.

X. *AND* be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Inhabitants of the said Town, to hold Two Fairs, Annually, in the said Town of *Hawns*; to wit, One on the Second *Tuesday* in the Month of *October*, and the other on the First *Tuesday* in the Month of *January*, during the Space of Three Days at each Time; under such Rules and Regulations, and, as near as may be, agreeable to the Rules and Regulations that Fairs are usually held and kept in the Kingdom of *Great-Britain*.

CHAP. VII.

An additional Act to an Act, intituled, An Act, to fix a Place for the Seat of Government, and for keeping Public Offices; for appointing Circuit Courts, and defraying the Expence thereof; and also, for Establishing the Courts of Justice, and regulating the Proceedings therein.

Preamble.

I. **W**HEREAS by an Act of this Province, passed at *Wilmington*, the Fifth Day of *December*, in the Year of our Lord One Thousand Seven Hundred and Forty Six, intituled, *An Act, to fix a Place for the Seat of Government, and for keeping Public Offices, for appointing Circuit Courts, and defraying*

fraying the Expence thereof; and also for establishing the Courts of Justice, and regulating the Proceedings therein; amongst other Things it is Enacted, That the Chief Justice of the Province for the Time being, or in Case of his Sicknes or Disability, such Person or Persons as shall, from Time to Time, be appointed by the Governor or Commander in Chief for the Time being, shall, twice every Year, hold a Court of Assize, Oyer and Terminer, and General Goal Delivery, at Edenton, at Wilmington, and at Edgcomb Court-house, on the Days and Times in and by the above recited Act fixed and ascertained: And whereas the Chief Justice and Attorney General must necessarily be at great Expence; in riding the Circuits, and holding the Courts at the respective Places aforesaid, it is thereby Enacted, That the Chief Justice, for his Trouble and Expence, shall receive the Sum of Two Hundred Pounds, Proclamation Money; and the Attorney-General Sixty Six Pounds Thirteen Shillings and Four Pence, Proclamation Money, Annually, to be paid out of the Tax laid for that Purpose, by a Warrant under the Hand of the Governor or Commander in Chief for the Time being:

A. D. 1749.

II. *BE it Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and General Assembly of this Province, and by the Authority of the same*, That from and after the Ratification of this Act, the Chief Justice shall be paid, in the Manner by the said Act prescribed, Thirty Three Pounds Thirteen Shillings and Four Pence, Proclamation Money, and no more, for every Court of Assize, Oyer and Terminer, and General Goal Delivery, which he shall hold at Edenton, at Wilmington, and at Edgcomb Court-house, or either of them; and in Case of the Absence of the Chief Justice aforesaid, and not otherwise, there shall be paid to the Commissioner or Commissioners for every Court of Assize, Oyer and Terminer, and General Goal Delivery, which he or they shall hold at any or either of the said Places, the like Sum of Thirty Three Pounds Thirteen Shillings and Four Pence: Any Thing in the above recited Act to the contrary, notwithstanding.

Allowance to the Chief Justice, for holding Assizes.

III. *AND be it further Enacted, by the Authority aforesaid*, That the Attorney-General for the Time being, shall be paid, in the Manner by the above recited Act prescribed, for each and every Court of Assize, Oyer and Terminer, and General Goal Delivery, which he shall attend at Edenton, at Wilmington, and at Edgcomb Court-house, the Sum of Eleven Pounds Two Shillings and Three Pence, Proclamation Money, and no more: Any thing in the above recited Act to the contrary, notwithstanding:

Attorney-General's Allowance.

IV. *AND* whereas; by the above recited Act, it is Enacted, That an Annual Poll-Tax of Four Pence, Proclamation Money, *per Poll*, shall be levied, for the Space of Two Years; on all the Taxable Persons within the Province, and collected by the Sherifs of the respective Counties, at the Times all other Taxes shall be collected and paid, to be paid and applied as therein mentioned; that is to say, all the Monies arising by the said Tax within the Counties of Craven, Beaufort, Hyde, Carteret, and Johnston, shall be, by each Sheriff, at the usual Time, Annually, accounted for and paid to Mr. John Barrow, Mr. James McLewean, Mr. Thomas Pearson, Col. Thomas Lovick, and Mr. John West, or the Majority of them, for and towards the Erecting the Offices, and other Public Buildings; at Newbern Town, as they, or the Majority of them, shall think necessary and convenient: And whereas the said Tax is found greatly deficient for the Purposes aforesaid, and the said Commissioners having wholly neglected either to demand or receive the same Tax, or to agree with any Person or Persons to undertake the said Public Buildings: For Remedy whereof,

V. *BE it Enacted, and it is hereby Enacted, by the Authority aforesaid*, That Mr. John Starkey, Mr. Edward Griffith, and Mr. Jeremiah Vail, be, and are appointed, to

A. D. 1749
 erect the Public
 Buildings at
 Newbern.

hereby appointed Commissioners, and they, or any Two of them, are hereby invested with full Power and Authority, to agree with any Person or Persons to erect, carry on, and perfect the said Buildings at *Newbern* Town aforesaid; and also, to receive and apply the said Monies arising by the Tax aforesaid, and the further Sum of One Hundred Pounds, Proclamation Money; which is hereby directed to be paid by the Commissioners for Stamping and Emitting the Sum of Twenty One Thousand Three Hundred and Fifty Pounds; Public Bills of Credit, at the Rate of Proclamation Money, out of the Treasury, in order to enable the aforesaid Mr. *John Starkey*, Mr. *Edward Griffith*, and Mr. *Jeremiah Vail*, Commissioners, or any Two of them, to carry on the said Public Buildings: Any Thing contained in the before recited Act to the contrary thereof, in any-wise, notwithstanding.

Proceedings on
 original Attach-
 ments.

VI. AND whereas some Doubts have arisen, concerning the Practice touching original Attachments; that the same is not rendered certain: *It is hereby Enacted*, That when any Goods, Chattels, or Monies, shall be attached in any Persons Hands or Possession belonging to the Defendant, the Sheriff shall return the same in a special Manner, on the Back of such Attachment; and on Return thereof, a *Scire Facias* shall issue against the Person in whose Hands or Possession the Effects or Monies shall or may be attached, to come into Court, and declare; upon Oath, how much Effects or Monies he hath in his Hands or Possession belonging to the Defendant, or plead, after he has appeared as Garnishee, to the Action, upon Condition he puts in Special Bail; and if the said Person fail to appear after Service of the said *Scire Facias*, or upon the Return of Two *Nibils*, then Judgment shall be given against such Person or Persons, as in other Cases it is directed, in and by the afore-recited Act.

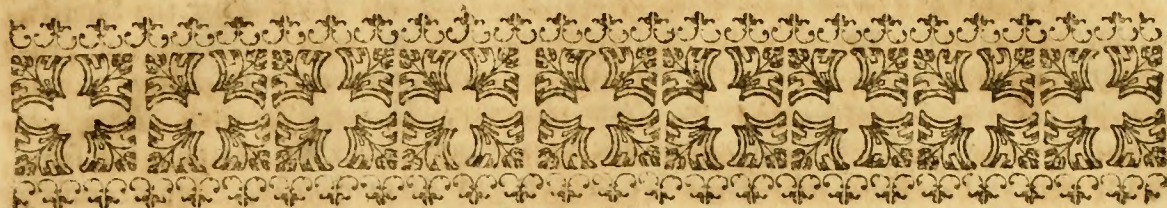
S I G N E D by

GABRIEL JOHNSTON, Esq; Governor.

Nathaniel Rice, President.

SAMUEL SWANN, Speaker.





Anno Regni

GEORGGII II,

Regis, Magnæ Britanniae, Franciæ, &
Hiberniæ, Viceffimo Quarto.

At a General ASSEMBLY, held at *Newbern*, the Fifth Day of *July*, in the Year of our Lord One Thousand Seven Hundred and Fifty.

GABRIEL
JOHNSTON,
Esq; Governor.

CHAP. I.

An Act, to appoint a Public Treasurer, in the Room of Eleazer Allen, Esq; deceased.

I. **W**HEREAS by an Act, intituled, *An Act, to appoint Public Treasurers*, the Honourable *Edward Moseley, Esq;* was constituted Public Treasurer for the Counties of *Craven, Carteret, Onslow, New-Hanover, Bladen, Johnston, Beaufort, and Hyde*; and the said Office having become vacant by the Death of the said *Edward Moseley*: And whereas by an Act, intituled, *An Act, to appoint a Public Treasurer in the Room of the said Edward Moseley Esq; deceased*, the Honourable *Eleazer Allen, Esq;* was constituted Public Treasurer, for the said Counties; and the said Office having become vacant by the Death of the said *Eleazer Allen, Esq;*

Preamble.

II. *BE it therefore Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That John Starkey, Esq; be, and is hereby appointed Public Treasurer, for the Counties of Craven, Carteret, Onslow, New-Hanover, Bladen, Johnston, Beaufort, Hyde, Anson, and Duplin, in the Room of the said Eleazer Allen, Esq; deceased; which said Treasurer shall, before he enters upon his said Office, give Bond, with sufficient Sureties, to our Sovereign Lord the King, his Heirs and Successors, in the Sum of Two Thousand Pounds, lawful Money of Great-Britain, for the faithful Discharge of his said Office: Which Bond shall be lodged in the Secretary's Office.*

Treasurer appointed.

III. AND

A D. 1750.

Sherifs, &c. to
pay all Public
Monies in their
Hands to the
Treasurer.

III. *AND be it further Enacted, by the Authority aforesaid,* That the Sherifs, County Treasurers, and all other Persons concerned, or who have been concerned, in the collecting and receiving any Public Money, within the respective Counties of *Craven, Carteret, Onslow, New-Hanover, Bladen, Johnston, Beaufort, Hyde, Anson, and Duplin*, who have not already accounted for and paid the same to the aforesaid *Edward Moseley, Esq;* or the said *Eleazer Allen, Esq;* deceased, or to the Committee of Accounts of both Houses, shall, upon Oath, account for and pay to the said *John Starkey, Esq;* all the Money so by them respectively received, or which by Law they ought to have received, and are accountable for; under the Penalty of Twenty Pounds, Proclamation Money.

Sherifs, &c. concerned hereafter
in collecting Public
Monies, when
to account with
and pay it to the
Treasurer.

IV. *AND be it further Enacted, by the Authority aforesaid,* That all and every Sheriff and other Persons, who shall be concerned in the collecting and receiving the Public Monies hereafter to be collected and received, within the several Counties above-mentioned, shall, the Week after the succeeding General Court following the Time appointed by Law for their collecting or receiving thereof, upon Oath, account for and pay the same to the Public Treasurer aforesaid, at *Newbern*; under the Penalty of Twenty Pounds, Proclamation Money.

Treasurer's Power
to prosecute
Sherifs, &c.

V. *AND be it further Enacted, by the Authority aforesaid,* That the said Public Treasurer is hereby authorized, impowered, and required, to sue and prosecute all such Sherifs, County Treasurers, or other Accountants, their Heirs, Executors, or Administrators, or other Persons, who have heretofore been, or who shall hereafter be concerned, in the collecting or receiving the Public Money, or who have or shall, at any Time hereafter, have any of the said Money in their Hands, within any of the said Counties, and shall neglect or refuse to account for and pay the same; and also, on the several Bonds already given, or hereafter to be given, by each and every of the said Sherifs of the said Counties, County Treasurers, or other Persons in any of the said respective Counties, for the due and faithful Performance of their several Offices and Duties; and the Clerks of the several County Courts, and every other Person or Persons, having such Bond or Bonds, Account or Accounts, or other Papers, in his or their Keeping or Possession, is and are hereby directed and required to deliver the same to the Public Treasurer aforesaid, of such County where the said Bond or Bonds was or were given, or Accounts or other Papers lodged, when he shall demand the same.

Treasurer to ac-
count with the
Gen. Assembly.

VI. *AND be it further Enacted, by the Authority aforesaid,* That the said Public Treasurer shall, from Time to Time, as often as required, upon Oath, account for, and pay to the General Assembly, all such Sums of Money which he shall receive by Virtue of this Act; for which Trouble, he shall be allowed Five *per Cent.* on all the Monies by him received and paid into the Assembly, (except the Money he shall receive from the Executors either of the said *Edward Moseley, Esq;* or *Eleazer Allen, Esq;* which was lodged in the Hands of the said *Edward Moseley, Esq;* or *Eleazer Allen, Esq;* for building the Forts,) and may deduct the same accordingly.

Penalties how re-
coverable, and
applied.

VII. *AND be it Enacted,* That the Penalties in this Act before mentioned, shall be sued for and recovered in the General Court of this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, Injunction, or Wager of Law, shall be allowed or admitted of; Two Thirds whereof to his Majesty, to be applied for the Use of the Public, and the other Third to the Treasurer aforesaid.

VIII. *AND*

A. D. 1750.

VIII. *AND be it further Enacted, by the Authority aforesaid, That if the said Public Treasurer shall neglect or refuse to account for and pay to the General Assembly, all such Sums of Money which he shall receive in Virtue of this Act, he shall forfeit and pay the Sum of Fifty Pounds; Proclamation Money, for each Neglect or Refusal; to be recovered, by Action of Debt, Bill, Plaint, or Information, in the General Court of this Province, by him or them that shall or will sue for the same: Two Thirds whereof to his Majesty, to be applied for the Use of the Public, and the other Third Part to the Prosecutor.*

Penalty on the Treasurer, for neglecting to account with the Assembly.

IX. *AND be it further Enacted, by the Authority aforesaid, That this Act shall continue in Force for Three Years, next after the passing hereof, and from thence to the End of the next Session of Assembly, and no longer.*

Continuance of the Act.

C A H P. II.

An Act, to repeal Part of a Clause in an Act, intituled, An Act, for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Possessions, and for directing the Payment of Quit-Rents.

I. **W**HEREAS by a Clause in the Act of the General Assembly of this Province, passed the Fifteenth Day of October, in the Year of our Lord One Thousand Seven Hundred and Forty Eight, intituled, *An Act, for forming a Rent-Roll of all the Lands holden in this Province, for quieting the Inhabitants in their Possessions, and for directing the Payment of Quit-Rents*, it is Enacted, That the Quit-Rents then after to be paid, for any Lands already granted, or that should then after be granted, within this Province, or which had been actually possessed by any Person for the Space of Twenty Years then last past, should be paid in Proclamation Money, at the Court-house in the County where such Land lieth, or in Inspectors Notes for Tobacco, at One Penny, Proclamation Money, *per* Pound, or Indigo, at Four Shillings, Proclamation Money, *per* Pound: And whereas it is apprehended, that many Inconveniences will happen from the Payment of the said Quit-Rents in Indigo, as aforesaid;

Preamble.

II. *BE it therefore Enacted, by his Excellency Gabriel Johnston, Esq; Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, and by the Authority of the same, That all and so much of the said recited Clause, as relates to the Payment of Quit-Rents in Indigo, shall be repealed, and it is hereby repealed accordingly; any thing in the said Clause, or any subsequent Act, or Clause of an Act, to the contrary thereof, in any-wise, notwithstanding.*

Clause relating to Indigo, repealed.

A. D. 1750.

C H A P. III.

An Act, for increasing the Annual Allowance given to the Attorney-General, for his Trouble and Expences in riding the Circuits.

Preamble.

I. **W** H E R E A S by an Act of Assembly, passed at *Newbern*, the Twenty Seventh Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Fifty, intituled, *An additional Act to an Act, for fixing a Place for the Seat of Government, and for keeping Public Offices, for appointing Circuit Courts, and defraying the Expence thereof*; it is, among other Things, Enacted, That the Attorney-General for the Time being, shall be paid, for each and every Court of Assize, Oyer and Terminer, and General Goal Delivery, which he shall attend at *Edenton*, at *Wilmington*, and at *Edgcomb* Court-houses, the Sum of Eleven Pounds Two Shillings and Three Pence, Proclamation Money, and no more: And whereas it is found, that the said Allowance to the Attorney-General, is insufficient to answer the said Purposes for which it was granted him;

Attorney-General's Allowance for riding the Circuit.

II. *B E* it therefore Enacted, by his Excellency *Gabriel Johnston, Esq*; Governor, by and with the Advice and Consent of his Majesty's Council, and the General Assembly of this Province, That the Attorney-General, for his Trouble and Expences in riding the Circuits; shall have and receive the Sum of Twenty Pounds, Proclamation Money, for each and every such Court he shall attend; any Thing in the above recited Act to the contrary, notwithstanding.

Continuance of the Act.

III. *A N D* be it further Enacted, That this Act shall continue and be in Force for Four Years, next after the passing hereof, and from thence to the End of the next Session of Assembly, and no longer.

SIGNED by

GABRIEL JOHNSTON, Esq; Governor.

Nathaniel Rice, President.

SAMUEL SWANN, Speaker.



T A B L E

O F T H E

T I T L E S of the several A C T S,

With the C H A P T E R and Page where they may be found.

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